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U.S. House of Representatives Washington, D. C.
Select Committee on Assassinations, November 27, 1976
Subcommittee on the Assassination
John F. Kennedy

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~~CIA HISTORICAL REVIEW PROGRAM~~
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~~1998~~

001305

EXECUTIVE SESSION

- - -

SATURDAY, NOVEMBER 27, 1976

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House of Representatives,

Select Committee on
AssassinationsSubcommittee on the Assassina-
tion of John F. Kennedy

Washington, D. C.

The Subcommittee met, pursuant to notice, at 10:14
o'clock a.m., in Room 3342, House Annex No. 2, 2nd and D
Streets, N.W., Washington, D. C., the Honorable Richardson
Preyer (Chairman of the Subcommittee) presiding.

Present: Representatives Preyer (presiding) and Thone.

Also present: Richard A. Sprague, Chief Counsel and
Director; Kenneth Brooten, Counsel; Donovan L. Gay, Chief
Researcher; Richard Feeney, Jonathan Blackner, Jeremy Akers,
Linda Conners, Jackie Hess and Robert Ozer, Committee Staff.

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P R O C E E D I N G S

1
2 Mr. Preyer. The Subcommittee on the Kennedy Assassination
3 of the House Select Committee on Assassinations will come to
4 order.

5 Congressman Thone and myself, Congressman Preyer, we have
6 a quorum that satisfies the rules to take testimony.

7 This session will be an executive session; it will be a
8 closed session. The Chair notes that Mr. Thone disagrees with
9 executive sessions in principle and the court respects his
10 opinions on those. Chairman Downing, however, has requested
11 that this be a closed session, and therefore the Chair
12 declares this session closed.

13 The purpose of this session is to receive the testimony
14 of Mr. David Phillips, and Mr. Sprague, if there are no other
15 preliminary matters, I will swear the Witness at this time.

16 Mr. Sprague. Thank you, Mr. Chairman.

17 Mr. Preyer. Mr. Phillips, would you put your left hand
18 on the Bible and raise your right hand.

19 Do you solemnly swear that the testimony you are about to
20 give before the House Select Committee on Assassinations will
21 be the truth, the whole truth, and nothing but the truth, so
22 help you God?

23 Mr. Phillips. I do.

24 Mr. Preyer. Thank you, sir.

25 If you will have your seat, and Mr. Sprague, I will turn

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1 the questioning over to you.

2 Mr. Sprague. Thank you, Mr. Chairman.

3 Will you state your full name.

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1 TESTIMONY OF DAVID APPELEY PHILLIPS

2 Mr. Phillips. David Appley Phillips.

3 Mr. Sprague. And your present address.

4 Mr. Phillips. 8224 Stonetraile Drive, Bethesda,
5 Maryland, 20034.

6 Mr. Sprague. Mr. Phillips, you understand that the laws
7 of perjury will encompass all testimony given by you under
8 oath at this hearing.

9 Mr. Phillips. I do, sir.

10 Mr. Sprague. Have you ever been a member of the
11 Central Intelligence Agency?

12 Mr. Phillips. I have, sir.

13 Mr. Sprague. And when did you commence as an agent of
14 that Agency?

15 Mr. Phillips. In 1950.

16 Mr. Sprague. And how long did you remain an agent of
17 the CIA?

18 Mr. Phillips. Twenty-five years.

19 Mr. Sprague. And your departure, was that a retirement?

20 Mr. Phillips. I retired in May of 1975, sir.

21 Mr. Sprague. Now, during the period of time that you
22 were an agent for the CIA, were you at any time assigned to
23 work on their behalf in Mexico?

24 Mr. Phillips. I was, sir.

25 Mr. Sprague. And what year did you commence working in

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1 Mexico?

2 Mr. Phillips. The assignment was in September of
3 1961. I arrived in September or early August, as I recall.

4 Mr. Sprague. And how long did you remain on assignment
5 with the CIA in Mexico?

6 Mr. Phillips. Until early 1965.

7 Mr. Sprague. Now, commencing with your assignment in
8 1961 by the CIA to Mexico, what were your initial duties?

9 Mr. Phillips. During the first part of that four years,
10 roughly, my job was that which involves propaganda and that
11 sort of business.

12 Mr. Sprague. Could you explain what you mean by that?

13 Mr. Phillips. Mexico City has the Cuban embassy there
14 which was active during the 1960s in attempting to assist
15 Fidel Castro in exporting his ideas of revolution in Latin
16 America, and it was the U.S. Government's policy and CIA's
17 practice to counter that when they could. That was largely
18 the extent of that.

19 Mr. Sprague. When you say counter that, what were the
20 nature of the things that you did to counter it?

21 Mr. Phillips. By arranging, assisting journalists, for
22 instance, to write the right kind of things about the United
23 States, supporting groups who were in effect groups which
24 might -- which were anti-Castro.

25 Mr. Sprague. Did any of that support involve those

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1 groups committing acts of violence against the Castro regime?

2 Mr. Phillips. They did not, sir.

3 Mr. Sprague. Now, how long did you remain with this kind
4 of duty that you have just described?

5 Mr. Phillips. Roughly two years, until about mid-1973.

6 Mr. Sprague. '63.

7 Mr. Phillips. I'm sorry, sir, '63.

8 Mr. Sprague. When you say approximately mid-1963, to the
9 best of your recollection, what months are you talking about?

10 Mr. Phillips. I believe it was July or August. I'm
11 not absolutely positive about that.

12 Mr. Sprague. Now, at that time you were given a different
13 assignment?

14 Mr. Phillips. That is correct, sir.

15 Mr. Sprague. And what was the nature of the new assign-
16 ment?

17 Mr. Phillips. I was asked to take over what were known
18 as the Cuban operations of Mexico City Station.

19 Mr. Sprague. Now, how long did you remain in charge
20 of the Cuban operation in the Mexican Station of the CIA?

21 Mr. Phillips. Until my departure in early 1965.

22 Mr. Sprague. Now, when you say you were asked in mid-1963
23 to take over the Cuban operation, who was it that made that
24 assignment of you?

25 Mr. Phillips. A CIA officer who had recently been appointed

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1 as the Chief of CIA Operations based with his headquarters in
2 Washington, visited Mexico City, spoke to the Station Chief in
3 Mexico, recommended that I be changed to the new job.

4 Mr. Sprague. And who was that?

5 Mr. Phillips. His name was Desmond FitzGerald, the
6 Chief of Station was Win Scott.

7 Mr. Sprague. And would you explain what the nature of the
8 new assignment was which, as I take it, then had -- you then
9 had for the remainder of your tour in Mexico.

10 Mr. Phillips. It was to know what the Cubans were doing
11 in Mexico City, specifically in their embassy, to try to
12 obtain as much information as possible about their intentions
13 in Mexico and Latin America, specifically, to know what was
14 going on in and around the Cuban Embassy.

15 Mr. Sprague. Now, where was the Cuban embassy located?

16 Mr. Phillips. I believe I recall the name of the street
17 as Calle Insurgantes, which was several blocks off of the
18 main street in Mexico City.

19 Mr. Sprague. And what was its proximity to the Russian
20 embassy?

21 Mr. Phillips. Rather close.

22 Mr. Sprague. When you say rather close, what do you mean?

23 Mr. Phillips. A few blocks, as I recall, though not
24 many.

25 Mr. Sprague. Now, when you were put in charge of the

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1 Cuban operation, who was your immediate supervisor?

2 Mr. Phillips. In the normal chain of command it would have
3 been the Deputy Chief of Station and then the Chief of Station.
4 In practice, it was more the Chief of Station himself.

5 Mr. Sprague. Who was the Chief of Station?

6 Mr. Phillips. Winston Scott.

7 Mr. Sprague. And who was the Deputy Chief who ought to
8 have been the head man over you?

9 Mr. Phillips. When I was there, there was a man named
10 [03] and I believe he was still there at the time of
11 Oswald's visit.

12 He was replaced by a man named Allen White, and it is
13 possible White was there, but I am almost sure it was [03]

14]
15 Mr. Sprague. All right, but during your period of time
16 on the Cuban operation, was it [03] and White who were
17 nominally your supervisors?

18 Mr. Phillips. Yes, yes, nominally.

19 Mr. Sprague. And who in fact was the supervisor?

20 Mr. Phillips. The Chief of Station.

21 Mr. Sprague. Which was who again?

22 Mr. Phillips. Winston Scott.

23 Mr. Sprague. And was he the actual supervisor over you
24 during the entire period you were in the Cuban operation?

25 Mr. Phillips. Yes. He dealt pretty much directly with

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1 me.

2 Mr. Sprague. Now, when you were assigned to this
3 Cuban operation, was there anybody else who was assigned with
4 you at that same time?

5 Mr. Phillips. Yes, sir.

6 Mr. Sprague. Who?

7 Mr. Phillips. Mr. Robert Shaw, a Mr. Joseph Picolo, a
8 Mr. [03].

9 Mr. Sprague. Now, were they all assigned to that operation
10 at the same time you were?

11 Mr. Phillips. No.

12 No, there were three of us as a rule, and I believe that
13 it was Mr. [03] who replaced Mr. Picolo.

14 Mr. Sprague. Well, let's take this in order.

15 When you were first assigned to the Cuban operation,
16 did you succeed somebody who had been in charge of that?

17 Mr. Phillips. Yes, I did.

18 Mr. Sprague. Who did you succeed?

19 Mr. Phillips. A man named Tom Haslett, who went to
20 another post overseas.

21 Mr. Sprague. And when you commenced this assignment,
22 the Cuban operation, were there any aides or subordinates
23 already on that station?

24 Mr. Phillips. Yes, sir, and as I recall, at the time
25 that I took over, it was Mr. Shaw and Mr. Picolo. Then to

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1 the best of my recollection, Mr. [03] replaced Mr. Picolo
2 when he went out of town. Mr. Shaw remained and was there
3 when I left.

4 Mr. Sprague. And how long was it, as best you can recall,
5 that Mr. Picolo remained in that assignment until he was
6 replaced by Mr. Shaw?

7 Mr. Phillips. I am sure that Mr. Shaw was there all the
8 time and was there when I left. And I believe Mr. Picolo
9 was there and left sometime when I was the Chief and was
10 replaced by Mr. [03], but I cannot remember when, but they
11 were not there simultaneously.

12 Mr. Sprague. Was there anybody else on the assignment
13 in the Cuban station under you other than the people that
14 you have mentioned during the time that that was your
15 assignment?

16 Mr. Phillips. There was a secretary I believe we shared
17 with some other offices.

18 Mr. Sprague. What was her name?

19 Mr. Phillips. I don't recall.

20 Mr. Sprague. Do you have any recollection as to nick-
21 name, first name, last name?

22 Mr. Phillips. Not at the moment, sir.

23 Mr. Sprague. Now, would you first just explain to us
24 the way in which your operation worked?

25 Mr. Phillips. The Cuban embassy had in it diplomats,

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1 intelligence officers, consular officers. We had priorities;
 2 the intelligence officers, for instance, were at the top
 3 of the list, and the senior diplomats, and we tried to obtain
 4 information in every way that we could. That was by using
 5 the traditional techniques of espionage, which include, when you
 6 can, having an agent in place inside, which included knowledge
 7 of what was said on telephones, which includes knowledge of
 8 correspondence, and having people who worked for you who have
 9 reason to go in at those embassies and make observations, that
 10 sort of thing.

11 Mr. Sprague. Now, when you say intercept telephone
 12 conversations, were there wiretaps on the Cuban consul and
 13 embassy offices?

14 Mr. Phillips. There were, sir.

15 Mr. Sprague. And who was it that maintained those taps?
 16 Was it your operation?

17 Mr. Phillips. It was not my operation. It was an outside
 18 operation.

19 Mr. Sprague. Now, when you say an outside operation, you
 20 mean another assignment area of the CIA?

21 Mr. Phillips. Another physical area outside of the U.S.
 22 embassy.

23 Mr. Sprague. And who was in charge of that particular
 24 area?

25 Mr. Phillips. I believe the senior man in charge of

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1 that was named [03] In discussing this with your
2 staff last night, I remembered [03] but now I remember the
3 full name was [03]

4 Mr. Sprague. And would you just explain to us the way in
5 which that operation worked?

6 Mr. Phillips. All right, sir. I never visited or
7 saw it, but as I understood, telephone conversations were
8 listened to. There was some selection there because there
9 were so many phones in the embassy, and the attempt to get
10 them on the important lines, the ones where most information
11 would be available. They were listened to and put on tape.
12 Someone would have the responsibility of listening to that
13 and deciding whether it was worth putting into a transcript,
14 that is, if there was a telephone call about someone asking
15 their wife about shopping, that might be something that would
16 not be on there, but if there was anything that might be
17 interesting --

18 Mr. Sprague. You say wouldn't be on there. You mean
19 it would be a decision not to transcribe that portion of the
20 tape.

21 Mr. Phillips. That is correct, sir.

22 Mr. Sprague. All right, go ahead.

23 Mr. Phillips. Otherwise, a transcription was made which
24 was an effort to reproduce word for word what had been on that
25 tape. The transcription then came into the station. In the

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1 case of the Cuban embassy, in Spanish.

2 Mr. Sprague. And who was it that would make the decision
3 in that particular area whether to transcribe a conversation or
4 not?

5 Mr. Phillips. The person in that outside unit or the
6 persons there in the outside unit. I do not know because
7 I didn't visit it and didn't know people who were working
8 there.

9 Mr. Sprague. Approximately how many people were on that
10 assignment?

11 Mr. Phillips. I don't have any idea. I would guess a
12 dozen, but I really don't know.

13 Mr. Sprague. Do you know the names of any of the people
14 who were involved in that assignment?

15 Mr. Phillips. I do not, sir.

16 Mr. Sprague. Did you not tell us last night the names
17 of some other people?

18 Mr. Phillips. I mentioned the name of Ms. Anne Goodpasture
19 an officer in the station, and the name of Mr. [03].

20 Mr. Sprague. And were they connected with that assign-
21 ment?

22 Mr. Phillips. That is true, sir.

23 Mr. Sprague. Well, why did you just now say you didn't
24 know anybody else?

25 Mr. Phillips. I'm sorry, sir, I thought you meant in the

1 itself.

2 Mr. Sprague. Well, what is their connection with that
3 particular unit?

4 Mr. Phillips. Ms. Goodpasture, for instance, I remember
5 actually went out and brought back tapes, and remembering our
6 conversation last night, I remembered during the night last
7 night that she came sometimes with suitcases that were heavy
8 and really had tapes in them. So I am not positive where the
9 Russian translations were made, but she brought them in, and
10 I don't think they were probably in the station, but not out
11 in that outside unit in any event.

12 Mr. Sprague. Are you saying it was up to her to go
13 and pick up the tapes themselves?

14 Mr. Phillips. Yes, sir.

15 Mr. Sprague. And where would the tapes be transported to?

16 Mr. Phillips. To the CIA office.

17 Mr. Sprague. And that was located where?

18 Mr. Phillips. In the U.S. embassy.

19 Mr. Sprague. Now, at the time that this lady picked
20 up the tapes, had they already been transcribed, do you know?

21 Mr. Phillips. I believe the situation was she was picking
22 up only the ones in the Soviet language, and that she would
23 be picking up transcripts of the ones in Spanish language.

24 Mr. Sprague. Now, when you say she was picking up only
25 those in the Soviet language, do you mean she was picking up

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1 those on another intercept on the Russian embassy?

2 Mr. Phillips. As I understand it, it was an intercept from
 3 the outside unit on the Russian embassy simultaneous with the
 4 one on the Cuban embassy, but the outside unit had Mexican
 5 nationals in it and not people who had, as far as I understood
 6 it. They did the work out there in Spanish, but not, as I
 7 recall the work, in the Russian language.

8 Mr. Sprague. After these tapes were transcribed, what
 9 would happen with the transcriptions?

10 Mr. Phillips. They would go to the desk of Mr. Win
 11 Scott, the Chief of Station.

12 Mr. Sprague. And what then would happen?

13 Mr. Phillips. He would decide how they should be routed,
 14 to what officers, generally what action should be taken, and
 15 then they would be distributed and filed.

16 Mr. Sprague. Can you give us just the normal process of
 17 what would occur when something in fact was transcribed?

18 Mr. Phillips. Yes. If there was a transcript and it
 19 had only and solely to do with Cuban matters, it would generally
 20 come to me or to someone in my shop there for the action, if
 21 some was to be taken, or for an information before it went to
 22 the files. If it was something that involved more than one
 23 thing such as a combination of Cuban and Soviet matters, it
 24 would be routed through both persons involved, and sometimes
 25 three persons, depending upon what it was.

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1 And so they would go to the officers who were concerned
2 with these particular areas, and then they would also go to
3 another officer that -- I didn't mention last night, the
4 CIA station generally has a person called a Reports Officer.
5 That is a person who is not assigned to Cuban things or anything
6 but put together reports which are disseminated, and there was
7 such a thing in Mexico, and some of the time, even a
8 Reports Officer and assistant, because it was a large station,
9 relatively speaking. So they would get nearly everything as
10 well.

11 Mr. Sprague. When you say nearly everything, does that
12 mean they did not get everything?

13 Mr. Phillips. Yes, because the Chief of Station at his
14 discretion, if there was something he felt was very, very
15 sensitive, and that some people did not need to know, in that
16 case there were occasions when he would cut out one transcript
17 or send it only to one person.

18 Mr. Sprague. You mean if it was perhaps extremely
19 sensitive, it would not go just to the reports section?

20 Mr. Phillips. That is right.

21 Mr. Thone. Why did you report directly to Win Scott
22 and not the Deputy, which was normal procedure?

23 Mr. Phillips. Sir, it was because of the personality
24 of Mr. Scott. He was a very strong man, and he did not
25 delegate, so I did have the obligation according to the system,

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1 and the second man was my superior, but in fact, Mr. Scott
2 would call me and say, Phillips, do this and do that.

3 Mr. Sprague. When these memos or the transcriptions were
4 processed around, what would then occur with them, and what
5 action would be taken?

6 Mr. Phillips. In some cases it was for information only
7 and it went to the files. In other cases, there was action
8 often indicated by Mr. Scott by writing on a piece of paper,
9 please advise so and so, or to the reports officer, I believe
10 this should be disseminated, a formal dissemination would be
11 sent to the intelligence community, or any one of a number
12 of instructions as a result of that. There might be a query
13 of what information do we have on this subject or this person,
14 and then they would go around and someone would usually have
15 a specific responsibility to do that action.

16 Mr. Sprague. What was the procedure with regard to
17 notification of other agencies of government?

18 Mr. Phillips. A report that is formally disseminated is
19 one which is written in a certain manner to give the reader
20 some idea of the validity of the source. It is then sent out
21 to other agencies, locally as would be appropriate. That is
22 that almost everything would go to the Ambassador's office,
23 something that had to do with narcotics or smuggling or
24 something like that, Immigration and Naturalization, the
25 military attache's office sometimes would get them, the FBI

1 would get them. They always in the case of an American
2 citizen. Those reports also would come to Washington and on
3 occasion would be sent to other countries if there was another
4 country -- something about an Ecuadorian who came to Mexico
5 City and was doing so and so, and sent to other agencies in
6 Washington.

7 Mr. Sprague. Who would make the determination as to what
8 agencies were to be notified, or whether agencies were to be
9 notified?

10 Mr. Phillips. The Chief of Station.

11 Mr. Sprague. Which was who again?

12 Mr. Phillips. Mr. Scott. He would generally depend
13 on the recommendation of the reports officer preparing -- I
14 am speaking now, sir, of formal intelligence reports as opposed
15 to just sending some messages back and forth, and he would
16 depend generally on the reports officer's suggestions. He
17 might change it.

18 Mr. Sprague. But it was up to Mr. Scott to make the final
19 decision whether other agencies of the Federal Government should
20 be notified about information that had been obtained.

21 Mr. Phillips. Absolutely, sir.

22 Mr. Sprague. You mentioned notification to Washington.

23 Mr. Phillips. Uh-huh.

24 Mr. Sprague. By Washington you mean CIA headquarters in
25 Washington?

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1 Mr. Phillips. Yes, sir, I do.

2 Mr. Sprague. What would motivate, as far as you know, the
3 decision to notify CIA headquarters in Washington?

4 Mr. Phillips. Because this was information of the kind
5 that might be valuable, say, to policymakers or something
6 like that. In nearly every one of these things, for instance,
7 the formal disseminations would be sent to the Department of
8 State here in Washington for their information.

9 Mr. Sprague. No, but I am talking about the decision to
10 notify CIA headquarters in Washington, would it be a routine
11 of each of these intercepts?

12 Mr. Phillips. No, not each of the intercepts. This is
13 only a formal intelligence report, not in the case of the
14 intercepts.

15 Mr. Sprague. What would occasion a decision to notify
16 CIA headquarters in Washington with regard to an intercept?

17 Mr. Phillips. In the first case, something of enough
18 importance that it would be turned into a formal report and
19 would reach Washington not recognizable as coming from a
20 transcript. Secondly, if it had information which was very
21 useful to Washington or to some other country, in which case
22 it would be sent not as a formal dissemination but simply
23 for your information, here is what we have learned. And
24 finally, if there were names that it looked like they should
25 go in the record, or things that didn't seem terribly important,

1 they might come up in an informal manner in the diplomatic
2 pouch in the form of papers themselves being sent up.

3 Mr. Sprague. Would you say of the total number of
4 intercepts, that it would be a very small number where notifica-
5 tion would be made to CIA headquarters in Washington?

6 Mr. Phillips. Relatively speaking, small, sir, quite
7 small.

8 Mr. Sprague. Would it be accurate to describe those
9 small numbers as being something more involved than the normal
10 intercept, something of a little more importance?

11 Mr. Phillips. Yes, sir, that is true.

12 Mr. Sprague. Now, with regard to these tapes that were
13 recordings of conversations, what was the procedure with
14 regards to the tapes themselves?

15 You have said that there was the transcription, and I
16 have heard you say that they were then carried from one place
17 to another. What would end up, what would happen with these
18 tapes?

19 Mr. Phillips. All right, sir, remembering last night,
20 and the fact that these tapes were coming in, it is my
21 best recollection now that Soviet tapes would come in to be
22 translated actually in the station somewhere, and that there was
23 a translator in the station for the Soviet business. I recall
24 thinking last night, I remember the name of the translator,
25 and we used to be in a poker club together, and I remember

1 he worked in the embassy office.

2 Mr. Sprague. And what was his name?

3 Mr. Phillips. His name was George Misco.

4 Mr. Sprague. Misco?

5 Mr. Phillips. Uh-huh.

6 Mr. Sprague. Do you remember whether Misco was married or
7 not?

8 Mr. Phillips. I know that he was married. I understand
9 that he was not in Mexico that Oswald was there, but I believe
10 he was married, yes. I'm not positive.

11 Mr. Sprague. What gave you to understand that he was not
12 in Mexico at the time that Oswald was there?

13 Mr. Phillips. Because I received a telephone call on
14 the appearance of the Post story from the CIA asking me what
15 I knew about the source of the information and so forth, and
16 the translator and the secretary, and I said the only trans-
17 lator I can remember was George Misco. In a subsequent
18 conversation, the fellow I talked to said by the way, we
19 understand George was not in Mexico at the time. That's why
20 I remember.

21 Mr. Sprague. Who was it that called you?

22 Mr. Phillips. Mr. John Waller.

23 Mr. Sprague. Would you spell that last name?

24 Mr. Phillips. W-a-l-l-e-r.

25 Mr. Sprague. And who is John Waller?

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1 Mr. Phillips. He is an officer at the CIA, and I talked
2 to him the same day about telling him that I was planning to com-
3 down and testify and that consequently I considered myself relea-
4 from my security oath. He is now the Inspector General of CIA.

5 Mr. Sprague. John Waller is?

6 Mr. Phillips. Yes.

7 Mr. Sprague. And did Waller ask you questions with
8 regard to the information in the Post story?

9 Mr. Phillips. He wanted to know if I knew where the
10 information came from.

11 Mr. Sprague. Well, first answer my question. Did he
12 ask you for information concerning what was in the Post story?

13 Mr. Phillips. Yes, sir, the first --

14 Mr. Sprague. What did he ask you?

15 Mr. Phillips. The first question was, is that story the
16 testimony which you gave to the Senate Subcommittee of
17 Senators Schwieker and Hart, and I said no, sir, and he said,
18 do you know who the translator might be, and I said, the only
19 name I remember of a translator is George Misco.

20 Mr. Sprague. What else did he ask you or say to you?

21 Mr. Phillips. That was it, sir.

22 Mr. Sprague. Were you advised by anyone from the CIA
23 that the secrecy agreement was still binding on you?

24 Mr. Phillips. I was told that technically --

25 Mr. Sprague. Well, answer my question. Were you advised

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1 by anyone from the CIA that the secrecy agreement was still
2 binding you?

3 Mr. Phillips. No, sir.

4 Mr. Sprague. What were you advised?

5 Mr. Phillips. I was told that technically it was, but
6 they left it up to me. And I said, well, I know what I
7 considered, but I was not told that it was --

8 Mr. Sprague. Now, when you say they, who else from the
9 CIA was in touch with you other than Mr. Waller?

10 Mr. Phillips. Mr. Lyle Miller. He is an attorney.

11 Mr. Sprague. And what is Mr. Miller's role with the
12 CIA?

13 Mr. Phillips. He is in the Office of the Legal Counsel,
14 I believe, or Legislative Counsel, one of the two, but he is
15 a lawyer.

16 Mr. Sprague. What happened thereafter with regard to
17 contacts by the CIA?

18 Mr. Thone. Mr. Sprague, I am very interested.

19 What do they mean when they say technically?

20 Mr. Phillips. The explanation was that technically,
21 because staff had not formally received security clearances,
22 that was the technicality.

23 Mr. Thone. I still don't understand.

24 Is there an implied threat when they say technically?

25 Mr. Phillips. Oh, no, sir.

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1 Mr. Thone. None whatsoever.

2 Mr. Phillips. I had informed them of my intention to
3 come down, and the answer was well, technically you are not to be
4 released from your secrecy oath, but you do what you want to.
5 I am not going to tell you what to do.

6 Mr. Thone. Why would they bring up the word "technically"
7 if they did not have some concern?

8 Mr. Phillips. I don't know, sir, but I didn't feel that
9 it was a threat or asking me not to speak or anything.

10 Mr. Thone. Why would it be mentioned at all, in your
11 opinion? You are a veteran here. Were they cautioning you?

12 Mr. Phillips. I did not see it as caution. I just
13 think, sir, that it was because I had said that I was going
14 to go down and testify freely, and so they were responding
15 as bureaucrats do, but I really don't know, sir.

16 Mr. Sprague. After these conversations with these two
17 CIA agents, what occasioned the next conversation with a
18 CIA agent?

19 Mr. Phillips. Are we speaking of yesterday, sir?

20 Mr. Sprague. Yes .

21 Mr. Phillips. There were two conversations, I believe.

22 Mr. Sprague. Didn't you say that the first person subse-
23 quently called you back to tell you that that person that you
24 named was not there at the time?

25 Mr. Phillips. Yes. I made the first call to Mr. Waller.

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1 A call came back from Mr. Waller, and there was the third and
2 subsequent call from Mr. Miller who had been advised by
3 Mr. Waller that I had called and said that I was coming down, so
4 Mr. Miller, the lawyer, made the third call to me.

5 Mr. Sprague. You have got me mixed up. Now, let's take
6 these in order. When was the first contact by anyone from the
7 CIA with you with regard to the story in the Post and your
8 testifying before the Subcommittee?

9 Mr. Phillips. I called the Subcommittee.

10 Mr. Sprague. When?

11 Mr. Phillips. Shortly before lunch, and asked for Mr. --

12 Mr. Sprague. When?

13 Mr. Phillips. On the day the story appeared.

14 Mr. Sprague. Yesterday.

15 Mr. Phillips. Yesterday.

16 Mr. Sprague. And who did you ask for?

17 Mr. Phillips. Mr. Waller.

18 Mr. Sprague. And why were you calling him?

19 Mr. Phillips. Because he is an old personal friend.

20 Mr. Sprague. And did you want to discuss with him the
21 story and your possible appearance?

22 Mr. Phillips. No, I wanted to go onto the record that
23 I, as I understood my duties, before a duly constituted
24 Committee, that I was to come down, and that my secrecy
25 oath did not apply in this case. And so I advised that to Mr.

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1 Waller. He later contacted Mr. Miller, and that presumably
2 triggered Mr. Miller's call to me to talk about the secrecy
3 agreement.

4 Mr. Sprague. And who was it that said to you that this
5 technically applies?

6 Mr. Phillips. Mr. Miller.

7 Mr. Sprague. And what else was covered in that conversa-
8 tion, if anything?

9 Mr. Phillips. That was it, sir, it was very brief.

10 Mr. Sprague. Well, that is what my question is. Was
11 the whole content of that conversation Mr. Miller's telling
12 you that technically that agreement still was binding on you?

13 Mr. Phillips. Yes, sir, and also to tell me something
14 like they weren't going to tell me what to do or anything like
15 that.

16 Mr. Thone. Excuse me, Mr. Sprague, but when they tell
17 you technically, again, you are a thirty-year veteran of
18 the CIA, aren't they cautioning you to be very careful in your
19 choice of -- my language. Why would he bring up the language,
20 well, no, it doesn't apply, but technically it does apply?

21 Mr. Phillips. Sir, I don't know, but it was in the
22 context of letting me know that they were not saying to me
23 don't go down and testify, and so that is why I did not see it
24 as a threat.

25 Mr. Thone. I don't want to be argumentative, sir,

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1 but if they were going to be freely telling you to come down
 2 and testify, why would they bring up that word, which frankly
 3 concerns me?

4 Mr. Phillips. Sir, I don't know.

5 Mr. Thone. To me it is a veiled caution that the secrecy
 6 technically still does apply to the testimony you are giving
 7 us this morning. Wouldn't that be a reasonable interpretation?

8 Mr. Phillips. Sir, I didn't take it that way, and I
 9 intend to testify fully, so I didn't read it that way.

10 Mr. Thone. Well, that of course, is all-important.

11 Mr. Phillips. Yes, sir.

12 Mr. Thone. And in no way, form, or shape is that
 13 admonition influencing anything you are telling us here today.

14 Mr. Phillips. Absolutely not, sir.

15 Mr. Sprague. How long after the call that you had with
 16 the first person was it before the call came from Mr. Miller?

17 Mr. Phillips. The first time I called for Mr. Waller,
 18 I asked for him and he was at lunch, and I asked for him to
 19 call me.

20 Mr. Sprague. How long after you spoke to Mr. Waller
 21 was it before you then spoke to Mr. Miller?

22 Mr. Phillips. I recall it being about 30 minutes.

23 Mr. Sprague. And when you spoke to Mr. Miller, did
 24 he at that time advise you that Mr. Waller had said that
 25 the person you thought was the translator or interpreter was

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1 not the person, or was that yet another call?

2 Mr. Phillips. No, sir, that was Mr. Waller in the
 3 conversation advising that.

4 Mr. Sprague. And that was in a third call.

5 Mr. Phillips. No, sir, that was the second call with
 6 Mr. Waller.

7 Mr. Sprague. All right, now, when was the second call?
 8 As I understand what you said, you called Mr. Waller. He was
 9 not in. You left word and Mr. Waller then called you back.

10 Mr. Phillips. After lunch, I would say about a quarter of
 11 3:00, 2:30, quarter of 3:00.

12 Mr. Sprague. And at that time you discussed this story
 13 with Mr. Waller.

14 Mr. Phillips. Yes, sir.

15 Mr. Sprague. And he asked you at that time who did you
 16 think was the interpretor?

17 Mr. Phillips. THat is right, sir.

18 Mr. Sprague. And you gave him the name.

19 Mr. Phillips. That's right, sir.

20 Mr. Sprague. Now, was it in that same conversation that
 21 he told you that they had checked and that person was not
 22 down in Mexico then?

23 Mr. Phillips. No, sir. It was about 20 or 30 minutes
 24 later.

25 Mr. Sprague. All right, that was my --

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1 Mr. Phillips. He called, he called back to me.

2 Mr. Sprague. Well, that is what I want to find out.

3 After that conversation with Mr. Waller --

4 Mr. Phillips. Uh-huh --

5 Mr. Sprague. And prior to your conversation with Mr.
6 Miller, had Mr. Waller called you back again?

7 Mr. Phillips. Yes, sir, he called twice.

8 Mr. Sprague. So after the first conversation with Mr.
9 Waller, then in approximately 20 minutes Mr. Waller calls
10 you again.

11 Mr. Phillips. Yes, sir.

12 Mr. Sprague. And what did Mr. Waller tell you at that
13 time, and what was that conversation about?

14 Mr. Phillips. He called me to tell me -- during that
15 conversation he mentioned a man's name that I had gathered
16 was not stationed in Mexico, and he told me that he had
17 passed on, I believe he said to Mr. Miller, the fact that
18 I had called and said that I intended to testify because Mr.
19 Waller was not necessarily the man that I would have called
20 if I had known just the person to call, but I had known him.
21 That person whom he notified, Mr. Miller, who is either the
22 Legislative or Legal Counsel's office, called me, which was
23 the third call in the series, and this all occurred in about
24 an hour.

25 F Mr. Sprague. All right, let's take now the second call
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1 to Mr. Waller. Other than Mr. Waller stating to you that the
2 person you were naming he has checked on and that person was
3 not working in Mexico at that time --

4 Mr. Phillips. Yes, sir.

5 Mr. Sprague. And other than stating that he has referred
6 this matter or turned it over to Mr. Miller, was anything else
7 said by Mr. Waller in that conversation?

8 Mr. Phillips. I don't recall anything else, sir.

9 Mr. Sprague. Well, was he saying anything about not
10 mentioning another party, since he has just checked on one
11 name that you mentioned and found that that person you said
12 wasn't working there? Was there anything along that line?

13 Mr. Phillips. He did say one other thing, to continue
14 on that, which was we don't think he was working there. It
15 was another fellow but I won't say who that is because I don't
16 want to confuse you, or something like that. But I won't tell
17 you who that is, and he didn't.

18 Mr. Sprague. And was anything said about their
19 attempting to contact any of these other people?

20 Mr. Phillips. No, sir.

21 Mr. Sprague. When he said to you in effect that your
22 information was incorrect, that he was not going to tell you
23 who the other person is, or another name, because it might
24 confuse you or would confuse you --

25 Mr. Phillips. I am not sure, sir, he used the word

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1 "confuse". I do recall he said, but I won't tell you the
2 other person's name.

3 Mr. Sprague. Well, didn't you just say that he said he
4 didn't want to confuse you?

5 Mr. Phillips. I am not sure that is an accurate quote
6 for that word.

7 Mr. Sprague. Well, let me ask you this. Did his call
8 to you in the context of indicating that they had checked the
9 name and that person appears not to have worked there, make you
10 a little more questioning about your own recollection?

11 Mr. Phillips. No, sir, because my original thinking of
12 the man's name was simply a translator who I knew in
13 Mexico, not in the context of the translator who -- not in the
14 context of the Oswald translator.

15 Mr. Sprague. But did his call have any effect in making
16 you a little more questioning about your entire recollection
17 of this matter?

18 Mr. Phillips. No, sir, I think no.

19 Mr. Sprague. All right.

20 What else was then said in that call other than what
21 you have just said?

22 Mr. Phillips. I don't recall anything else, sir.

23 Mr. Sprague. With regard to the Miller call, have you
24 related it in its entirety?

25 Mr. Phillips. Yes, sir, it was brief.

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1 Mr. Sprague. Well, I know what you have said. Is there
2 anything you omitted from that call?

3 Mr. Phillips. Yes, there is another thing. He said
4 something about contacting your staff.

5 Mr. Sprague. He said who was contacting the staff?

6 Mr. Phillips. He said something about he would be calling
7 your staff or something like that.

8 Mr. Sprague. Did he say for what purpose?

9 Mr. Phillips. No, sir. He said he would be calling --
10 I don't think he mentioned a name, someone on your staff, and
11 I presumed he was going to say, I spoke to Mr. Phillips and
12 we know he is coming down. He said if I have anything else
13 to tell you, I will call you before 4:00 o'clock, and he did
14 not call.

15 Mr. Thone. You hesitated just a minute on that name of
16 the staff member here. Can you give that a little bit more
17 thought? Did he mention a name?

18 Mr. Phillips. I think he did, sir.

19 Mr. Thone. Can you give that a little thought?

20 Mr. Phillips. I had just shortly been contacted by
21 Mr. Feeney. Mr. Feene's name was the only one I knew. Sir,
22 I will try to. I can't think of it. I am not positive that
23 he did mention a name, but he said I will be contacting the
24 staff.

25 Mr. Sprague. Other than news media, did anyone else

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1 attempt to contact you and in fact contact you once this
2 story broke in the Post, regarding the story and your appear-
3 ance before this Subcommittee other than these people from
4 the CIA?

5 Mr. Phillips. No, sir, other than the news media.

6 Mr. Sprague. Now, going back, when these intercepts
7 occurred, who was it that was responsible for making the
8 transcripts from the tapes?

9 Was it the same unit that was responsible for the
10 intercepts?

11 Mr. Phillips. Certainly in the case of the Spanish
12 ones, they were made in the unit where they were received,
13 and those transcripts then came into the station, and in the
14 case of conversations in the Russian language, as best as I
15 can recall it, they came into the station, and I was wondering
16 last night whether it was a little unit outside, but I don't
17 recall that there was. There may have been a translator outside,
18 and then they were once again taken out of the station to the
19 Soviet translator, but as I understood it, there were no
20 Soviet language experts in that unit outside, but in the
21 station, yes.

22 Mr. Sprague. Just so I understand this, when you
23 distinguish between Spanish and Russian --

24 Mr. Phillips. Yes, sir.

25 Mr. Sprague. You are not distinguishing in terms of the

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1 place that is intercepted, but the conversation that is on
2 that interception, is that correct?

3 Mr. Phillips. That is correct, sir.

4 Mr. Sprague. And this intercept operation, if I can
5 use that word, was that not only intercepting the conversations
6 that were at the Cuban embassy and consul, was that operation
7 also intercepting conversations at the Russian embassy and
8 consul?

9 Mr. Phillips. THat is correct, sir.

10 Mr. Sprague. And so I understand it, in either situation,
11 Spanish conversation would be translated and typed right
12 there where that intercept operation was, wherever that may have
13 been.

14 Mr. Phillips. That is what I understood it, but I
15 never visited it.

16 Mr. Sprague. And the Russian conversation that was
17 picked up, whether at the Cuban or the Russian embassies, was
18 taken to somewhere in the embassy itself where it was then
19 translated and typed up, is that correct?

20 Mr. Phillips. That is correct. It may have been that
21 some of those Russian things then went out to a Russian
22 translator who actually worked outside. I don't know that that
23 was the case.

24 Mr. Sprague. All right, let's deal right at the moment
25 with the Russian part of that.

1 Do you know who was the translator in the embassy to
2 translate those intercepts that involved the Russian language?

3 Mr. Phillips. I do not recall, sir.

4 Mr. Sprague. Is that the name that you were stating
5 yesterday, to whom Mr. -- the CIA agent --

6 Mr. Phillips. The name of Mr. George Misco I was
7 stating was the only name of a Russian translator I remembered

8 Mr. Sprague. Was that the name you were thinking, though?

9 Mr. Phillips. Yes, sir.

10 Mr. Sprague. When you were talking about the translator
11 for the Russian conversation?

12 Mr. Phillips. Yes, sir, yes, sir.

13 Mr. Sprague. And what is that person's name?

14 Mr. Phillips. George Misco. That is the phonetic. I
15 am not sure how it is pronounced.

16 Mr. Sprague. Do you know who was the typist for whoever
17 was the translator of the Russian conversations?

18 First, do you know?

19 Mr. Phillips. The translator?

20 Mr. Sprague. Do you know who was the typist for that
21 translator of those intercepts?

22 Mr. Phillips. I don't recall the names. I recall two
23 women, American women who were local employees. That is, they
24 were not sent from Washington but were hired locally. I
25 didn't know them personally, but perhaps their husband was in

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1 business or something like that, and since foreign nationals
2 were not allowed into this office, they did come in and work
3 on a contract basis, but not a regular U.S. Government
4 employee, and I can't remember their names, but I recall two
5 of them.

6 Mr. Sprague. Do you have any recollection of first names,
7 nicknames, last names of any of these typists of the intercepts?

8 Mr. Phillips. Not at this time. I could recognize
9 photographs, but I can't remember their names. I will try
10 to.

11 Mr. Sprague. All right, now, going back to the Spanish
12 intercepts, do you know who was the translator of the Spanish
13 intercepts?

14 Mr. Phillips. No, sir.

15 Mr. Sprague. Do you know who any of the typists were
16 there?

17 Mr. Phillips. No, sir.

18 Mr. Sprague. Now, let me ask you this. When a
19 conversation is intercepted, was there any procedure for
20 dealing more immediately with a conversation that the listener
21 that was listening at the same time thought was a little
22 more important than just the normal intercept?

23 Just answer first yes or no.

24 Mr. Phillips. Yes.

25 Mr. Sprague. And what was that procedure?

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1 Mr. Phillips. As I recall it, a telephone call to someone
2 in the CIA station from that place saying hey, we have something
3 terribly interesting here.

4 Mr. Sprague. Now, would that be made by the monitor
5 himself, or would he report that to somebody else who would
6 then make the decision as to do something for more immediacy?

7 Mr. Phillips. Sir, I don't know.

8 Mr. Sprague. When the telephone call that you have
9 alluded to was made, as far as you know, to whom would that
10 be made?

11 Mr. Phillips. Customarily it would be made to Ms.
12 Anne Goodpasture.

13 Mr. Sprague. And she again is whom?

14 Mr. Phillips. She was the woman inside the station who
15 had the primary responsibility for this outside unit. Mr.
16 [03] didn't come every morning to the CIA station but stayed
17 outside.

18 Mr. Sprague. Now, you have talked about your Cuban
19 assignment.

20 Was there similarly a Russian assignment?

21 Mr. Phillips. There was.

22 Mr. Sprague. And in 1963, while you were, let us say,
23 on this Cuban assignment from mid-1963, who was the individual
24 that was in charge of the counterpart to you with the Russian
25 embassy assignment?

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1 Mr. Phillips. Mr. [03]

2 Mr. Sprague. And do you know who were the people at that
3 time who were working under Mr. [03]

4 First, do you?

5 Mr. Phillips. I know immediately one, sir.

6 Mr. Sprague. And what is that person's name?

7 Mr. Phillips. [03].

8 Mr. Sprague. [03] is [03]

9 Mr. Phillips. That is true, sir.

10 Mr. Sprague. And was she also an employee working on
11 that assignment with Mr. [03]

12 Mr. Phillips. Yes, sir. She was a former staff employee
13 of the CIA who had specialized in Soviet matters, and I
14 believe was hired in Mexico I believe on a part time basis, but
15 as the other locals were. In other words, she did not enjoy
16 her staff -- she had resigned from CIA but was then hired
17 again to work inside and to assist [03] in Soviet
18 matters, because she knew the Soviet language, and had the
19 background and so forth.

20 Mr. Sprague. Now, do you know anyone else who was working
21 in the Soviet assignment other than [03], and
22 I take it Mr. was the supervisor in charge of that.

23 Mr. Phillips. He was, sir.

24 There was -- I recall a man named Mr. Benjamin Pepper
25 who worked for Mr. [03] and had responsibility for not

1 necessarily for -- not necessarily where Mr. [03] was concerned
2 with Soviet matters. Mr. Pepper was concerned with Czechoslo-
3 vakian matters, Polish matters and so forth, and then would
4 assist Mr. [03] in the Soviet thing and that part of the
5 shop.

6 Mr. Sprague. The United Press has a specific quotation
7 of a statement which they say you made to a United Press
8 International reporter named Daniel F. Gillmore, quoting in
9 part as follows: "I have the recollection hazy after fourteen
10 years that Oswald intimated that he had information that
11 might be useful to the Soviets and Cuba, and that he hoped
12 to be provided with free transportation to Russia via Cuba."

13 Did you make that statement to Mr. Daniel F. Gillmore
14 of United Press International?

15 Mr. Phillips. I did, sir.

16 Mr. Sprague. Is that statement accurate?

17 Mr. Phillips. I think it is, sir, yes, it is.

18 Mr. Sprague. There is, in the Washington Post of
19 yesterday's date, a story by Ronald Kessler in which he
20 quotes you in part stating that you recall from a transcript
21 Oswald telling the Soviet embassy, "I have information you
22 would be interested in, and I know you can pay my way" into
23 Russia, but that is not part of the quote.

24 Is that what you said in part to Mr. Kessler?

25 Mr. Phillips. I feel that I cannot answer that yes or

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1 no without explaining that I met with Mr. Kessler on two
2 occasions, once for a long lunch, once in a coffee shop, and
3 he called me two or three times on the phone.

4 In these discussions with Mr. Kessler, I did -- he
5 raised the subject of whether or not Oswald was offering
6 information, was being paid, wanted to be paid to go to the
7 Soviet Union, and wanted to know whether or not I could confirm
8 that. I did confirm in the sense --

9 Mr. Sprague. My question is, I have read a specific
10 quotation, Mr. Phillips. You are under oath at this time.

11 Mr. Phillips. I understand.

12 Mr. Sprague. And I will reread the quotation, because
13 I do want to know, did you make this statement in part.
14 I understand that there were other parts to the conversation,
15 but did you make this statement to Mr. Kessler -- I'm not--
16 talking about you, I am talking about what Oswald allegedly
17 said: "I have information you would be interested in, and
18 I know you can pay my way."

19 Mr. Phillips. I think I may have said that or something
20 near to it, but what I intended to convey was that Mr. Kessler
21 was saying, well, is that the idea, and I said yes, that was
22 the idea that we gathered.

23 Mr. Sprague. Okay.

24 Mr. Phillips. That was what I was trying to --

25 Mr. Sprague. I'm sorry. I did not mean to cut you off.

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1 Is there something else you wanted to say on that?

2 Mr. Phillips. No, sir.

3 Mr. Sprague. All right, now, dealing specifically with
4 these calls, were there intercepts made of telephone calls by
5 Lee Harvey Oswald while in Mexico to the Russian embassy?

6 Mr. Phillips. Yes, sir.

7 Mr. Sprague. And do you know where the tapes of those
8 conversations are?

9 Mr. Phillips. No, sir, I do not.

10 Mr. Sprague. Now, let me back up if I may, a second.

11 When we were talking earlier about the taping and these
12 intercepts, and then transcriptions being made, what was the
13 procedure with regard to the tapes themselves?

14 Mr. Phillips. The procedure was that a transcript was
15 to be made from them, and then the tapes would be erased.

16 Mr. Sprague. Now, let me ask you here, was that always
17 the case. For example, let me throw out one. Let's suppose
18 a conversation was picked up indicating that someone perhaps
19 might be engaged in spying activity --

20 Mr. Phillips. Uh-huh.

21 Mr. Sprague. Would there not be anyone who would then
22 want to keep that tape as possible evidence?

23 Mr. Phillips. Yes, sir.

24 Mr. Sprague Who would that go to for the decision-
25 making with regard to not destroying the tape?

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1 Mr. Phillips. If a tape -- the first decision would be
2 made by Mr. Scott when he saw the transcript. I don't
3 recall a particular case, but he would write "Hold this tape"
4 meaning don't destroy this tape, something like.

5 Mr. Sprague. Do I take it from that that the orders were
6 to destroy or to reuse the tapes, if I can use that instead
7 of the word "destroy tapes", to use them over and over I take
8 it is what you mean.

9 Is that right?

10 Mr. Phillips. As I understood, sir, unless the people
11 in the unit were so advised, they understood that they were to
12 erase them and use them again.

13 Mr. Sprague. In other words, the basic order was that
14 the tapes are not maintained after they are transcribed unless
15 there was a specific directive order to the contrary.

16 Mr. Phillips. That is right, sir, and that might be
17 by someone other than Mr. Scott. If it were a Cuban matter, I
18 might say to someone, please have them hold that tape
19 for a while, and I might speak directly to Ms. Goodpasture.

20 Mr. Sprague. Now, how long a time would normally occur
21 before tapes were, let's say, destroyed, to allow for the
22 decisionmaking process that somebody might decide that they
23 want to keep the tape?

24 Mr. Phillips. To my personal knowledge, I don't know,
25 sir. I heard other people's accounts of it, but to my

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1 personal knowledge, I don't know how long.

2 Mr. Sprague.* Well, let me press that a little further.

3 Obviously if there is an area that is going to involve
4 somebody having the opportunity to make a decision not to
5 destroy tapes, there has to be some timespan after a
6 transcript is made, the minimal, whatever that length of
7 time is, before any tape is destroyed. Otherwise you might
8 have a tape destroyed and somebody, Mr. Scott or you, seeing
9 the transcript maybe a couple of days thereafter and wanting
10 the tape, and it would be destroyed.

11 That did not exist, did it?

12 Mr. Phillips. I understood it to exist in the form of,
13 if I wanted a tape, that I had better ask for it before a
14 week, say, had passed. A week is the time period that I
15 recall. If you were to call up 13 days later that -- call
16 Ms. Goodpasture and say hey, give me that tape, she would
17 say, oh, it is gone, and that if you wanted to keep it, you
18 should do it sooner, and roughly a week is the time.

19 Mr. Sprague. Well, let me ask you this. I mean, you
20 are dealing with a spy, intelligence agency. Was there some
21 set directive order of some type stating that tapes are not
22 to be destroyed until a certain length of time, so that was
23 definite policy, and that was not?

24 Mr. Phillips. Not to my knowledge, sir.

25 Mr. Sprague. And who was it that would destroy the tape?

1 Mr. Phillips. The tape, as I -- this would be in this
 2 outside unite -- as I understood, would not be destroyed,
 3 but they would simply be piled up, the ones that had conversa-
 4 tions on it, and then as the cycle of conversations are to
 5 be taken care of, when they needed new tapes, they would
 6 simply reach over and get one of the old ones and start
 7 again, which automatically erased the recording of before,
 8 what was on there before, but I don't have personal knowledge
 9 of it.

10 Mr. Sprague. All right now, your decisionmaking, in
 11 terms of a decision to keep a take, what would be the
 12 guidelines that would exist for you in making that decision?

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1 Mr. Phillips. The only thing that would be absolutely
2 definate as a guideline would be if the Chief of Station
3 wrote a note to me, "Keep this tape." It would certainly --

4 Mr. Sprague. Well, I understood when Mr. Scott or anybody
5 above you said that, but I am asking you what were your own
6 criteria for a decision on your part to keep the tape.

7 For example, if there were an intercept there and someone
8 was heard making a threat against a Congressman, would there
9 be a decision to keep that as possible evidence for a subsequent
10 prosecution?

11 Mr. Phillips. Yes, sir, I think that is a good example.
12 Another one is if there is a conversation between someone that
13 you recognized as really being a Soviet agent and pretending
14 to be someone else or a man who you thought was a Cuban
15 intelligence agent, something of a high priority where you
16 thought you might have to have it.

17 Mr. Sprague. Well, if you intercepted something that
18 would of itself indicate an illegal act for which there could
19 be prosecution under American laws, would there be a decision
20 to maintain that tape for possible evidence in a subsequent
21 prosecution?

22 Mr. Phillips. Sir, I think not, because what would
23 happen in such a circumstance I think was that an American,
24 information on an American would be passed to the Chief of the
25 FBI. The Chief of the FBI knew full well that they were

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1 telephone transcriptions, that the information was coming to
2 him from teltaps, so he could then say to Win Scott, I want
3 you to save that. A CIA station, I think, would depend on
4 whether he wanted to do it, if it's the case of an American
5 in criminal prosecution.

6 Mr. Sprague. Well, maybe I'm jumping ahead here, but for
7 example, if there is an intercept indicating that Lee Harvey
8 Oswald is getting to Cuba -- attempting to get to Cuba, and
9 you have his voice on that conversation, at that time it was
10 against the law for Americans to go to Cuba, was it not? Am
11 I correct on that?

12 Mr. Phillips. Yes, that's right. That's right, sir.

13 Mr. Sprague. Would not then the CIA, someone there at
14 least put a hold on that tape for possible use as evidence?

15 Mr. Phillips. In that case that would not be the kind of
16 thing that would merit calling someone and say, "Hold that
17 tape," as long as you had the information.

18 Mr. Sprague. What would be the difference between that
19 and intercepting a threat concerning your Congressman?

20 Mr. Phillips. Well, the dimension of the difference.
21 With every CIA station, contemplating using one of these tapes
22 produced by Mexican nationals was one that I don't think Mr.
23 Scott thought of a great deal, in other words, admitting it as
24 evidence. So there was not a tendency to think of it in those
25 terms, and I think the idea was you would depend on the FBI

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1 to say that, because in 1962, at least, the thought of passing
2 a tape to be used in a Court proceeding was -- would have
3 dismayed a lot of intelligence people.

4 Mr. Sprague. Well, let me ask you this then, this time
5 span before a tape would be reused or destroyed, did it also
6 allow not only for decision making within the CIA about
7 maintaining that tape, but did it allow for notification to
8 the FBI for their evaluation and a response back not to destroy
9 the tape?

10 Mr. Phillips. My dealings with the FBI were so infrequent
11 that I cannot answer your question exactly. It was my pre-
12 sumption that it certainly was.

13 Mr. Sprague. Well, this gets back to, wasn't there any-
14 thing of any formality within the CIA about not destruction
15 within a time to allow for these various things to occur?

16 Mr. Phillips. Certainly there was none I have ever
17 seen in the sense of a guidance from headquarters to stations,
18 if you have tapes, keep them so long. It was a local matter.

19 There was in the station a set of rules called Station
20 Regulations. You cannot carry a gun. You cannot drink whiskey
21 in your office, things like that. That would include some sort
22 of operational directive, and that it the place there would
23 have been a thing that says, we do not destroy tapes for, say,
24 ten days. I never saw such a regulation nor heard of it in
25 Mexico City Station.

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4
1 Mr. Sprague. While you were on this Cuban assignment,
2 did you ever have occasion to give an order not to destroy a
3 tape?

4 Mr. Phillips. I don't recall the instance in doing it,
5 but I must have done it a couple of times during the two years.

6 Mr. Sprague. Do you have any recollection as to what
7 engendered that directive on your part?

8 Mr. Phillips. Yes. It's very hazy, but I believe I
9 remember something like saying to Miss Goodpasture, will you
10 please hold that 'til we find out if this guy might be so-and-so
11 and then we found out that the fellow making the telephone
12 call was not so-and-so, and then I said, okay, let it go,
13 thinking he was an intelligence agent from another country.

14 Mr. Sprague. And do you remember, as best you can tell,
15 what was the substance of that conversation that at least
16 engendered your wanting to keep that tape?

17 Mr. Phillips. I only have the vague memory that it was
18 something to do with kind of a significant espionage thing.
19 It was an important man that was contacting the Cubans that
20 we had heard some place might be a Soviet agent, and we wanted
21 to know what that nexus was, but I don't recall, sir.

22 Mr. Sprague. Do you know once you give an order to hold
23 a tape how long it is maintained in that hold status?

24 Mr. Phillips. My understanding was that it would not
25 be reused until whoever you told, say Miss Goodpasture would

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15 1 come back and say, "Do you still want that tape?"

2 Mr. Sprague. In other words, it would be held until there

3 was then a specific order not to maintain it any longer?

4 Mr. Phillips. That is right, sir.

5 Mr. Sprague. During your assignment there, other than

6 this one hazy hold order by you, do you recall any other hold

7 orders by you?

8 Mr. Phillips. No, sir, I do not.

9 Mr. Sprague. Are you aware of hold orders by Mr. Scott?

10 Mr. Phillips. Yes, sir. I don't recall what they were,

11 but I remember seeing written on a thing, "Hold this," on a

12 transcript. "Hold the tape." I cannot recall the cases.

13 Mr. Phillips. Do you have any idea as to the frequency

14 of hold orders on tapes by Mr. Scott?

15 Mr. Phillips. Infrequent. Not very often. Once every

16 three weeks or something. I'm just hazarding a guess.

17 Mr. Sprague. And do you recall any hold orders by Mr.

18 [03]?

19 Mr. Phillips. No, sir, I do not.

20 Mr. Phillips. Now, getting to this transcript of Oswald,

21 at the time we are talking about were there also bugging

22 devices in each of these embassies, Cuban and Soviet?

23 Mr. Phillips. To the best of my knowledge there was not

24 one in the Soviet Embassy. I was never aware of one being

25 there during the time I was there. Over a period of years

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16

1 there were several bugging devices in the Cuban Embassy. I
2 am trying to recall whether one was operating at the time of
3 Oswald's visit. And I am not absolutely positive, but what
4 I am sure about is that we did not receive any information
5 about Oswald because of an electronic bug.

6 Mr. Sprague. My next question is, to the best of your
7 recollection, all conversations by Lee Harvey Oswald, were
8 they as a result of these telephonic intercepts that you had
9 any contact with?

10 Mr. Phillips. And how many, to the best of your recollection
11 of these intercepts, did you have contact with?

12 Mr. Phillips. I am positive about one, and I am wondering
13 about the possibility of one more or perhaps two little --
14 little things that might have come up later, but I cannot
15 recall with clarity other than the one.

16 What I do seem to recall, if there was some little
17 snippets later, they were not of importance. That is the
18 one principal one that I recall and that is the only one that
19 I can say for certain that I remember.

20 Mr. Sprague. All right, now, Mr. Phillips, I want you
21 to relate to this Subcommittee your best recollection, and I
22 understand that it is your recollection, of that first
23 intercepted conversation that you saw in its entirety as you
24 recall what it was saying.

25 Mr. Phillips. All right, sir. Now, Counsellor, am I

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1 correct in remembering if you have suggested that my answers
2 pertain to my personal knowledge and not -- would you repeat
3 that?

4 Mr. Sprague. I do not want you to give an answer based
5 upon what anyone else says. I do not want you to give an
6 answer trying to square your answer with what you believe is
7 on somebody else's transcript or anything else. I want this to
8 be your own answer as best you can recall, of what was the
9 purport of that first intercept.

10 Mr. Phillips. Okay. All right.

11 Obviously after so long I can't remember it word for word,
12 but I remember that the thrust of the conversation was Oswald
13 saying to the Soviet he talked to in the Soviet Embassy, "What
14 have you heard about my visa, what news do you have?" "What
15 have you heard about my visa, what news do you have," something
16 like that. I also recall that Oswald was kind of saying,
17 "What's wrong, why don't you do this?" And I recall something
18 in that conversation that I can only call an intimation that
19 he said, "Well, you really should talk to me," or something
20 like that. Now, it seems that I recall that, and that is
21 all that I recall with absolute clarity.

22 In reviewing that statement, while I cannot recall exactly
23 I feel sure that while the intimation of Oswald saying he
24 wanted a visa, he said to go to the Soviet Union or Cuba or
25 go to the Soviet Union via Cuba was the intimation that he

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1 hoped to obtain his expenses, something, but no statement, I
2 definately do not remember that he said, "If my ticket is
3 paid."

4 Mr. Sprague. Well, this statement that you made to Mr.
5 Gillmore, "I have the recollection hazy after fourteen years
6 that Oswald intimated that he had information that might be
7 useful to the Soviets and Cuba and that he hoped to be provided
8 with free transportation to Russia via Cuba."

9 Mr. Phillips. Yes, sir.

10 Mr. Sprague. Does that accurately state what it is that
11 you recall of that transcript?

12 Mr. Phillips. No, sir. That states more accurately my
13 recollection of the transcript and then after the fact of the
14 assassination and the increased interest in talking with
15 people about this, including people for whom I was responsible
16 in the Cuban field, the total perception I had was that that
17 was the reason he was there. First of all, the thing --

18 Mr. Sprague. Mr. Phillips, are you telling this
19 Committee that when you made the statement yesterday, "I have
20 the recollection hazy after fourteen years that Oswald
21 intimated that he had information that might be useful to
22 the Soviets and Cuba and that he hoped to be provided with
23 free transportation to Russia via Cuba," that that statement
24 by you encompassed more than your recollection of the
25 transcript and included what you say is subsequently acquired

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1 information after the assassination?

2 Mr. Phillips. I think that it has been colored by the
3 things I heard after the assassination.

4 Mr. Sprague. Well, what part here was colored? When you
5 responded to Mr. Gillmore were you trying to tell him what your
6 recollection of that transcript was?

7 Mr. Phillips. No, sir, I was not trying to explain to
8 him that the transcript said that.

9 Mr. Sprague. Was there a part of that transcript that
10 indicated that Oswald would be of value to the Soviets?

11 Mr. Phillips. I have the recollection somewhere, possibly
12 in that transcript, was a statement that went something like
13 this, Counsellor: "You should really talk to me," or something
14 like that. Yes, there was something like that and I can't
15 recall what words were said.

16 Mr. Sprague. Were the words there such as for you to
17 state that they were words which Oswald was stating to the
18 Soviet Embassy, whoever he was talking to there, that it would
19 be to the benefit of the Soviets to be talking to him?

20 Mr. Phillips. In the sense that Oswald, in his conversa-
21 tion, was sort of making a pitch, trying to get what he wanted.

22 Mr. Sprague. I am not talking about what his motivation
23 may have been. I am just trying to find out were the words
24 such as to indicate that Oswald, whether he was tooting his
25 own horn or otherwise is not important, but was he indicating

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hw10 1 to them that it would be to their benefit or advantage to
2 be talking to him?

3 Mr. Phillips. I only recalled it in the sense that "You
4 fellows should talk to me," or something like that.

5 Mr. Sprague. And was he indicating in that conversation
6 that he was looking or urging them to aid him in getting out
7 of the country?

8 Mr. Phillips. Yes, sir.

9 Mr. Sprague. All right.

10 Mr. Phillips. But not with money, not saying, "Will you
11 pay for my ticket."

12 Mr. Sprague. Well, what, as best you can recall, was it
13 that he was saying for them to aid him in getting out of the
14 country?

15 Mr. Phillips. I only recall that he was reaching them
16 to give him the visa so that he could indeed leave the
17 country.

18 Mr. Sprague. With regard to his indication that they
19 ought to be in touch with him or talking to him, was anything
20 said about where or anything like that?

21 Mr. Phillips. No, sir.

22 Mr. Sprague. What else was said in this conversation,
23 as best you can recall? How did he start the conversation
24 as best you recall?

25 Mr. Phillips. "I am calling about my visa. Have you

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will 1 heard word about my visa. I want to go to the Soviet -- "

2 Mr. Sprague. Well, did he not identify himself?

3 Mr. Phillips. Well, yes, he did.

4 Mr. Sprague. What did he say?

5 Mr. Phillips. He did identify himself.

6 Mr. Sprague. As best you can recall, what was said?

7 Mr. Phillips. He introduced himself by saying something
8 like, "My name is Lee Harvey Oswald." That's not the way I
9 first saw it, but that was subsequent. He introduced himself
10 and in the transcription, as I recall, it read "Lee Henry
11 Oswald."

12 Mr. Sprague. Is that your recollection, that in that
13 first transcript he said, as you saw it, he used the middle
14 name -- now, Mr. Phillips, are you trying to conform your
15 recollection to what you believe is some other evidence?

16 Mr. Phillips. Sir, I am trying to be as honest as I
17 can.

18 Mr. Sprague. Well, I am asking you again.

19 Mr. Phillips. I remember distinctly that the cable that
20 went out said "Lee Henry Oswald."

21 Mr. Sprague. I'm not asking about that. I am asking
22 whether or not you have a recollection as to how he identified
23 himself in that transcript of that intercepted conversation?

24 Mr. Phillips. I do not remember that he gave his name.

25 Mr. Sprague. Do you know whether or not he in any way

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12 1 identified himself as an American citizen in that conversation?

2 Mr. Phillips. I do not recall it, sir.

3 Mr. Sprague. All right.

4 Now, tell the Subcommittee -- by the way, when was this
5 as best you can recall?

6 Mr. Phillips. In very early October.

7 Mr. Sprague. Was it October or September of '63?

8 Mr. Phillips. Sir, I believe it was October.

9 Mr. Sprague. If I were to state to you that records
10 indicate that intercept was picked up in September of '63,
11 would you quarrel with that?

12 Mr. Phillips. No, sir. My recollection was that this
13 was toward the end of the week and because it was Saturday and
14 Sunday, it wouldn't have been worked on until Monday, but no,
15 I wouldn't quarrel with that. I can't be sure.

16 Mr. Sprague. Well, when you say this was the end of
17 the week, are you stating that it's your recollection that
18 this intercept was made on a Thursday or a Friday of a
19 particular week?

20 Mr. Phillips. It was my recollection that it was made
21 on one day and that on a -- I don't remember how many days
22 it was, and I don't remember the exact date that I saw it
23 the first time.

24 Mr. Sprague. All right.

25 Now, tell us the circumstances of your seeing the intercept

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1 transcript. How did it come to your attention?

2 Mr. Phillips. This was a matter which was largely of
3 interest to Mr. [03] because it pertained to a Soviet inter-
4 cept, but it was also of interest to people working on Cuban
5 matters because of the fact that Oswald wanted to go to the
6 Soviet Union via Cuba. As I recall it, that was treated in the
7 normal way, then, of the information, the transcript being
8 routed to Mr. [03] and then later to me, or perhaps a copy
9 being routed to me, but in one way or another, that transcript
10 was brought to my attention because of the Cuban mention in it.

11 Mr. Sprague. Upon your seeing this transcript, what did
12 you do about it?

13 Mr. Phillips. When I first received it, I didn't do
14 anything about it at all because it was Mr. -- it was the
15 responsibility of Mr. [03] or someone else under his urging to
16 take care of the matter.

17 Mr. Sprague. Do you recall whether or not there was
18 any notation by Mr. Scott on the transcript?

19 Mr. Phillips. No, sir, I do not. I suspect there
20 would have been, but I don't recall that there was.

21 Mr. Sprague. Do you recall whether there was any
22 indication about holding the tape here?

23 Mr. Phillips. No, sir, I do not.

24 Mr. Sprague. Did you make any determination to hold the
25 tape?

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1 Mr. Phillips. I did not, sir.

2 Mr. Sprague. Did you know when you saw that transcript
3 that this person who was identified as Oswald was possibly
4 an American citizen?

5 Mr. Phillips. Yes, I think so, because there was something
6 about a transcriber's note of he's speaking in very bad
7 Russian, or something like that, or sounds like an American
8 accent in Russian, or yes, I definitely had the understanding
9 he was an American citizen.

10 Mr. Sprague. Where did you get that from?

11 Mr. Phillips. I don't recall. I don't recall whether
12 there was something in the body of it or whether it said a
13 man outside who sounds like an American is speaking. I don't
14 recall because it was -- I don't recall.

15 Mr. Sprague. Would there be notations attached to these
16 transcripts by the monitoring group?

17 Mr. Phillips. No, sir, not attached to it, but in the
18 body of the manuscript itself, of the transcript itself, there
19 was sometimes indications.

20 Mr. Sprague. You mean little scribbles?

21 Mr. Phillips. In parentheses. For example, in a case
22 where they were listening to a voice but didn't know who
23 it was on the voice, there would be a couple of letters like
24 MI, man inside, an unidentified voice, to let you know. In
25 the cases where they did know, they would put down the name.

1 Mr. Thone. Mr. Phillips, you said you had a discussion
2 with someone who said that Mr. Oswald talked in bad Russian or
3 so.

4 With whom was that conversation?

5 Mr. Phillips. No, sir. I recall that in this transcript,
6 in just the situation we are talking about now, there was a
7 statement by the transcriber, speaking in very bad Russian. So
8 I saw it on the piece of paper itself.

9 Mr. Sprague. So just so we are clear here, then, the
10 transcript that you saw had notations on that transcript by
11 someone in the CIA commenting, it was just, as was suggested
12 here, that it was bad Russian. There was somewhere an
13 indication that they spoke in English in some part, is that
14 correct?

15 Mr. Phillips. Certainly I remember the part about
16 speaking in bad Russian.

17 Mr. Sprague. You do have distinct recollection that on
18 this transcript there were notations, however, by some people
19 from the CIA.

20 Mr. Phillips. My recollection is certainly not distinct,
21 but I think what I recollect is typed along with all the rest
22 of the typed message, in parentheses, was the notation that
23 he was speaking in poor Russian.

24 Mr. Sprague. There were comments added to the transcript,
25 that is what I am trying to find out.

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1 Mr. Phillips. Yes, sir. in the body of the transcript.

2 Mr. Sprague. All right.

3 Now, by the way, in that transcript that you saw, was there
4 any indication by Oswald that the things that the Soviet ought
5 to perhaps talk to him about was information that he had
6 from Washington, D. C.?

7 Mr. Phillips. No, sir, I don't recall that. I don't
8 recall that -- any citing of an example, you should talk to
9 me about such and such. I don't recall that.

10 Mr. Sprague. Just that it would be to their advantage
11 to talk to him, or they ought to talk to him.

12 Mr. Phillips. Something like that but not because I
13 have information about a certain subject.

14 Mr. Sprague. Not anything as to his source of
15 information.

16 Mr. Phillips. No, sir, no, sir.

17 Mr. Sprague. Now, my question is then to you, dealing
18 with the transcript, it is your testimony that from that
19 transcript or the notations added to it, you ascertained
20 that this person Oswald was possibly an American.

21 Mr. Phillips. That is my best recollection. I am sure
22 that what happened, I don't recall the circumstances, in a
23 case like this, Mr. [03] would have walked into my office or
24 I would have walked into his, and he would say, what do you
25 think about this, and we together might have said, this

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1 is an American or come to the conclusion he was an American
2 for some reason or another, or it might have been Mr. Scott
3 calling the two of us and saying, what do you all think? I
4 am sure in this situation, there must have been a conversation.
5 These occurred frequently. I don't recall it.

6 Mr. Sprague. Well, when you say these occurred frequently,
7 were you picking up much in the way of taps from possible
8 Americans giving some indication that perhaps the Soviets
9 ought to be in contact with them to try to get to Cuba and
10 then to Russia?

11 Mr. Phillips. No, sir, not to that degree. There were
12 a number of cases that were more --

13 Mr. Sprague. Well, I am talking about that degree which
14 is what you have indicated was on that intercept. Is that
15 correct?

16 Mr. Phillips. Yes, but it was not rare or unique by
17 any means.

18 Mr. Sprague. Well, is it enough of a situation to make
19 you feel that something ought to be done about this particular
20 intercept?

21 Mr. Phillips. Yes, sir, definitely, sir.

22 Mr. Sprague. And what was to be done about that particu-
23 lar intercept?

24 Mr. Phillips. To find out if we knew anything about this
25 man. I don't know what steps Mr. [03] then took. I did

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not take the action, nor did anyone working for me, Mr. [03]

Mr. Sprague. Did you remain interested in this, however?

Mr. Phillips. I remained interested I recall.

Mr. Sprague. Why -- well excuse me. Go ahead.

Mr. Phillips. I recall on at least one or two occasions saying to Mr. [03] where is the cable.

Mr. Sprague. And when you say where is the cable, what do you mean?

Mr. Phillips. The cable that in such an instance I would expect to go to headquarters telling them about this.

Mr. Sprague. This was at least important enough of an intercept that you felt it was in the area of a cablegram going to CIA headquarters in Washington, D. C., is that correct?

Mr. Phillips. Yes.

Mr. Sprague. I take it that being because on the surface here you have an American contacting foreign Soviet embassy?

Mr. Phillips. Yes, sir.

Mr. Sprague. Indicating he was trying to get out of the country, with the other things that you have said, and at that time it was against the law for Americans to go to Cuba, is that correct?

Mr. Phillips. That is correct, sir.

Mr. Sprague. Why did you not make your decision at that time to hold the tape with that narration of events that I

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1 have just gone through?

2 Mr. Phillips. It didn't occur to me that we would need
3 a tape, having the information that we had.

4 Mr. Sprague. Do you know whether or not this tape of
5 this conversation has been destroyed?

6 Mr. Phillips. I do not, sir.

7 Mr. Sprague. Do you have any understanding that it has
8 been destroyed?

9 Mr. Phillips. My understanding is that it went with the
10 other tapes back to the outside unit and was reused.

11 Mr. Sprague. Now, do you know, since this was at least
12 in a situation of some importance, that it necessitated a
13 cablegram to CIA headquarters in Washington, D. C. --

14 Mr. Phillips. Yes, sir.

15 Mr. Sprague. Whether somebody at least gave an order to
16 hold the tape pending subsequent determination? Do you know
17 whether that occurred?

18 Mr. Phillips. I know of no order from anyone saying
19 hold it at any time.

20 Mr. Sprague. All right, now, who had the responsibility
21 for sending this cablegram to CIA headquarters in Washington,
22 D.C.?

23 Mr. Phillips. Because it was identifiable, an identifiable
24 Soviet operation which produced the information, so it was
25 his responsibility.

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1 Mr. Sprague. Now, do you know whether or not Mr. [03]
2 sent such a cablegram?

3 Mr. Phillips. He did send one.

4 Mr. Sprague. Was this enough on your mind, of enough
5 importance, that you made some inquiries whether a cablegram
6 had been sent?

7 Mr. Phillips. I did, sir.

8 Mr. Sprague. Would you tell the Subcommittee what was
9 occurring there and what you were doing since you thought of
10 it as of enough import to check that a cablegram was being
11 sent?

12 Mr. Phillips. Mr. [03] was a busy man, sometimes
13 procrastinating. [03] was working for him, and on one
14 or two occasions I spoke to Mr. [03] kiddingly saying, hey,
15 where is the cable about this fellow, or something like that,
16 or maybe to [03] I am not sure.

17 In any event, what happened was a few days passed and
18 [03] prepared a message -- she was working for [03]
19] and as I recall it, she typed it herself, but I am
20 not positive on that point, but in any event, she prepared
21 the cable and took it in to Mr. [03], at which time he
22 signed off on it.

23 During that process, it did come to me, also to sign
24 off on, because it spoke about Cuban matters, and then went
25 to the Chief of Station and was released.

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Mr. Sprague. Now, as best ask you can recall since you saw this cablegram, would you tell the members of the Subcommittee what was the content of that cablegram?

Mr. Phillips. We need your information, want your -- maybe they used the word traces, but your information asking Washington about a man named Lee Henry Oswald. It then gave a physical description --

Mr. Sprague. Are you sure that in the cablegram you sent, referring to, you had the middle name Henry?

Mr. Phillips. That is certainly my best recollection.

Mr. Sprague. Okay, go ahead.

Mr. Phillips. Lee Henry Oswald, he's heavy set, gave a physical description which did not fit Oswald, and said this man is in touch with the Soviets. He wants a visa. He wants to go to the Soviet Union via Cuba and so forth, in essence what had been learned from the first transcript, but gave a physical description.

The physical description was of a photograph taken at the Soviet embassy on or about the same time [03] -- I suppose I have to speculate, but I believe [03] had two pieces of information which she put together, which turned out to be put together inaccurately. The first, the transcript of a man calling and asking for a visa, the second, of a man who appeared to be an American at about the same time. So she put this one and one together and came up with an incorrect

1 two. So she was not giving the physical description of
2 Lee Harvey Oswald, but a man who did indeed go to the Soviet
3 Union during this period, and he is the man that some people
4 now call the mysterious stranger. We never found out who
5 he was. He, in his physical appearance, he could have been
6 an American, he could have been a Soviet or Nordic from a
7 ship, but she put these two things together.

8 Mr. Sprague. Now, this was a picture of a man entering
9 where?

10 Mr. Phillips. The Soviet embassy.

11 Mr. Sprague. Did you not have surveillance at that time
12 on the Cuban embassy?

13 Mr. Phillips. Which type of surveillance, sir, the
14 telephones?

15 Mr. Sprague. Personal observation.

16 Mr. Phillips. We had an observation post which took
17 photographs of the Cuban embassy, of people going in and out.

18 Mr. Sprague. Was not this intercept to which you have
19 been making reference a call by Oswald from the Cuban to the
20 Russian embassy?

21 Mr. Phillips. Yes, sir, it was from the Cuban to the
22 Russian embassy, but as I recall, the tap was picked up on the
23 Russian end.

24 Mr. Sprague. I understand that, but with regard to that
25 first intercept, what was it that led you to believe that -- I

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1 shouldn't say you because you had no part of it -- that the
2 picture of the person entering the Russian embassy was the
3 person who was involved in that intercept since at that moment
4 Oswald had entered the Cuban embassy?

5 Mr. Phillips. Well, I can only presume [03]
6 action. I believe what she was saying was she had put together
7 here was a telephone call, and here was a picture of an
8 unidentified man, and she assumed that there had been a
9 conversation about a visa, and sure enough, off you go into
10 the Soviet embassy.

11 Mr. Sprague. Were there any photographs of Oswald
12 entering the Cuban embassy?

13 Mr. Phillips. There were not.

14 Mr. Sprague. Was there any observation and recording of
15 people who entered the Cuban embassy, and a list which we
16 could examine and see the description of people that entered
17 the Cuban embassy at or about the time of this intercept?

18 Mr. Phillips. Yes, there was a photographic coverage
19 of the Cuban embassy, and this did not work on weekends, and
20 sometimes the camera had to be pulled out. The camera was
21 pulled out either because of malfunction or something. It
22 was not there on the day that that intercept indicated
23 Oswald was in the Cuban embassy, and consequently, there was
24 no picture of Lee Harvey Oswald that we ever saw in Mexico.

25 Mr. Sprague. Well, let me ask you this.

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1 When this intercept was picked up, this first one which
2 caused the action that you have said, was it also determined
3 to check on the sightings of people who entered the Cuban
4 embassy in order to get a description, perhaps, of this person?

5 Mr. Phillips. No, sir, it was not.

6 Mr. Sprague. Why was that not done, if you know?

7 Mr. Phillips. It was simply not a part of the priorities
8 in a case like this, to do it on that basis. The only time
9 we really looked for the pictures of Oswald was after the
10 assassination.

11 Mr. Sprague. But if in the cablegram that was being
12 sent to the CIA headquarters in Washington, D. C., you were
13 to get information back and you are given a description, and
14 you know the call that was intercepted at the Russian
15 embassy end originated in the Cuban embassy, would it not
16 stand to reason for someone to check within your own CIA
17 agency who were observing what is going on at the Cuban
18 embassy, whether they have a description of this person?

19 Mr. Phillips. No, sir, and the reason being that the
20 number of people who would be going into the Cuban consul
21 on any day might be anywhere from 150 to 500.

22 Mr. Sprague. Well, what is the purpose of getting a
23 description of someone whom I assume a great number of people
24 went into the Russian embassy, when this call did not originate
25 in the Russian embassy?

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1 Mr. Phillips. I am sorry, I didn't understand the last
2 one.

3 Mr. Sprague. What is the purpose of getting a description
4 of an individual who entered the Russian embassy on that
5 date when the knowledge was that this call originated at the
6 Cuban embassy?

7 Mr. Phillips. I presume it was because [03.] simply
8 had before her a photograph of an unidentified man who looked
9 like an American, but I can only presume that.

10 Mr. Sprague. Does that make sense to you?

11 Mr. Phillips. It makes sense from the standpoint that it
12 was a logical conclusion that they might be the same person,
13 and this is a quick way to find out.

14 Mr. Sprague. But didn't you on this intercept know that
15 the call that you have intercepted came from a person who
16 entered the Cuban embassy, not the Russian embassy, is that
17 correct? *

18 Mr. Phillips. Yes, and so her judgment would have been
19 based on the fact that presumably he then went -- at one time
20 must have gone to the Soviet embassy, and that is why she
21 thought it might be the same man.

22 Mr. Sprague. But not to even make an attempt to find out
23 from your own surveillance observation team who was entering
24 the Cuban embassy on that very day.

25 Mr. Phillips. That would have been a good thing to do.

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1 I don't recall that it was. It may have been, and sir, I
2 am sure you understand, I have to speculate about [03]
3 and why I think she put it together.

4 Mr. Sprague. This cablegram that was then sent on to
5 Washington, did that contain within it information that -- well,
6 did it have with it the intercept? Did it have a transcript
7 of the intercepted conversation?

8 Mr. Phillips. No, sir, it was a cable which -- it was
9 not a repeat, as I recall it, word for word, of the
10 transcript, but a new message which said we need your
11 information on Lee Henry Oswald.

12 Mr. Sprague. Was there anything in that cablegram
13 indicating CIA -- to CIA headquarters in Washington that
14 this person Oswald was attempting to get a visa to go
15 to Cuba and then Russia?

16 Mr. Phillips. As I recall, that was in there, sir.

17 Mr. Sprague. Was there anything in this cablegram
18 indicating that he, Oswald, had at least in some manner
19 indicated that the Soviets might find it to their advantage
20 to talk to him?

21 Mr. Phillips. I don't recollect that at all, that it was
22 in the cable. I don't think it was.

23 Mr. Sprague. Do you have an explanation of why that
24 would not have been in there?

25 Mr. Phillips. No, sir.

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1 Mr. Sprague. Was there in this cablegram anything indi-
2 cating that Oswald was indicating to the Soviets that he
3 would like their aid or help or assistance in getting out
4 of the country?

5 Mr. Phillips. I don't think -- I don't recollect there
6 was anything of that kind in the cable, sir.

7 Mr. Sprague. I am going to show you a document which
8 I will ask to be marked subsequently, but may I first ask
9 you if you can identify this document, which really has parts
10 of it excised, but can you identify that copy I have just
11 shown you?

12 Mr. Phillips. Sir, I believe this to be the copy of the
13 message I have been trying to describe.

14 Mr. Sprague. May that, Mr. Chairman, be marked as Exhibit
15 No. 1 for the purpose of this hearing?

16 Mr. Preyer. Without objection, this will be marked
17 Exhibit 1 and entered into evidence in the testimony.

18 (The document referred to was

19 marked Phillips Exhibit No. 1.)

20 Mr. Sprague. Now, reading from this copy which has
21 been excised in many parts, and which you have said appears
22 to be the cablegram to which you have made reference, it
23 reads: blank "1 October '63, American Mail", and then
24 blank, "name: Lee Oswald." Then blank, "at" -- and I will
25 ask you to tell me what this is.

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1 Mr. Phillips. Soviet Embassy, SovEmb.

2 Mr. Sprague. S-o-v-E-m-b has the meaning of Soviet
3 Embassy, and then you have on --

4 Mr. Phillips. 28.

5 Mr. Sprague. 28, and then we don't see what the next
6 word is, probably September would be the guess.

7 Mr. Phillips. S-e-p-t, I would guess.

8 Mr. Sprague. It then says, "then spoke with consul
9 whom he believed to be," and the name V-a-l-e-r-l-y, that is
10 the first name, V-l-a-d-i-m-i-p-o-v-i-t-c-h, and then some
11 other, either part of a name or some other word.

12 Is that correct?

13 Mr. Phillips. Yes, sir. It is a continuation of the
14 Russian name.

15 Mr. Sprague. And then it says "Subject asked Soviet" --
16 which I assume is Soviet guard, "Ivan," and then
17 O-b-y-e-d-k-o-v-r-y blank, "if there anything new re telegram
18 to Washington," and then blank. "Thing received yet but
19 request had been sent."

20 Is that correct? Have I read it right?

21 Mr. Phillips. Unless -- nothing is cut off of "thing
22 received yet," but I don't know, "but request had been
23 sent."

24 Mr. Sprague. And then under that we have paragraph 2,
25 "Have photos. Male, appears be American," then blank,

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1 "apparent age 35, athletic build," and I'm not sure what the
2 next word is.

3 Mr. Phillips. I can't either, sir.

4 Mr. Sprague. Unclear what the next word is, maybe
5 five feet --

6 Mr. Phillips. That's just a mistake.

7 Mr. Sprague. "receding hairline, balding top, wore
8 khakis sportshirt," and then I guess there is a place for
9 signatures.

10 Is that correct?

11 Mr. Phillips. Yes, sir.

12 Mr. Sprague. Have I read it right?

13 Mr. Phillips. Yes, sir.

14 Mr. Sprague. I am curious, at least in what appears here,
15 that is not -- there is not anything indicating that this
16 person was trying to get into Cuba or Russia, is there?

17 Mr. Phillips. No, sir.

18 Mr. Sprague. Do you have any explanation as to why
19 that would be omitted since obviously an American attempting
20 to get into Cuba, is just by that act alone violating
21 criminal laws, is he not, or was he not?

22 Mr. Phillips. Yes, sir.

23 Mr. Sprague. Why would he be just even not putting that
24 information in?

25 Mr. Phillips. I don't know, sir.

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1 Mr. Sprague. Does that kind of surprise you when you
2 see that at this point?

3 Mr. Phillips. Yes, because I didn't recall it that way,
4 and it certainly surprises me that it didn't say Lee Henry
5 Oswald.

6 Mr. Sprague. Well, that is my next question to you.
7 When you say you did not recall it that way, what I have just
8 shown you and we have gone through it, as I have just said,
9 are you prepared to say that this in fact is the cablegram that
10 was sent to Washington, or is what you remember somewhat
11 different than what appears to be in what I have shown you
12 here?

13 And let me repeat, I do not want you giving testimony
14 just conforming to what you believe others say. We want
15 your own testimony.

16 Do you want me to repeat that question?

17 You have been telling us what the intercept was, you have
18 been telling us what clearly was part of a cablegram that
19 was sent to CIA headquarters in Washington. I have shown
20 you what you have first said appeared to be the cablegram
21 that you have been talking about, and I am asking you now does
22 this appear to be different than the cablegram that you
23 saw when it first passed your desk going from [03] back to
24 Scott?

25 Mr. Phillips. This is different from my recollection

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1 of it, that is, as I have put together my remembrances of the
2 cable, yes. There is no question about that.

3 Mr. Sprague. I assume that assuming what you have said
4 is correct, there certainly would have been no reason to --
5 in fact, there would have been every reason to mention that
6 this supposed American was trying to get to Cuba and Russia,
7 wouldn't there?

8 Is that correct?

9 Mr. Phillips. (Nods in the affirmative.)

10 Yes, sir, it seems that should be in there.

11 Mr. Sprague. All right, now, let me ask you this.
12 Regardless of what cablegram was sent to CIA headquarters
13 in Washington, do you know what date, do you know, not what you
14 have been told here, that the cablegram that you saw and
15 assented to was sent?

16 Mr. Phillips. No, sir, I do not. I have an approxi-
17 mation.

18 Mr. Sprague. Do you know approximately how long was it
19 after the first time you saw the intercept that you saw
20 the cablegram that was coming back across your desk for
21 transmission to Washington, approximately?

22 Mr. Phillips. Approximately three days, three or four
23 days, something like that.

24 Mr. Sprague. Now, I notice that in this cablegram, which
25 has been marked Exhibit 1, they refer to an intercept on

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1 28 September. You had said earlier that you thought you were
2 talking about an intercept that was the early part of
3 October, and I asked you would you quarrel with or disagree
4 if it was the latter part of September.

5 Would you quarrel with the fact that it may have been on
6 the 28th or even on the 27th of September?

7 Mr. Phillips. No, sir, I think it was on that date, on
8 an intercept of the 28th. I do not quarrel with that. I
9 think it was that time.

10 Mr. Sprague. Could it have been the 27th, as a matter
11 of fact?

12 Mr. Phillips. My recollection was that Oswald arrived
13 on a Wednesday or a Thursday and visited the Cuban embassy
14 the next day. I thought it was Friday, perhaps, or Thursday.
15 I thought it was the 28th, but it certainly could have been
16 the 27th. I don't remember.

17 Mr. Sprague. All right, let me ask you this.

18 Upon obtaining the intercept initially, and whatever
19 the date was, and being struck that this is a matter of
20 some importance that would involve notifying Washington, was
21 a decision made to advise the FBI, at least there in Mexico,
22 since there was an indication here that you have an American
23 attempting to get some sort of contact with the Russians?

24 Mr. Phillips. My recollection is that there was.

25 Mr. Sprague. And when?

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Mr. Phillips. I do not remember, sir, whether it was before the answer came to this cable -- came from this cable, in other words, whether they waited to get details to then advise the FBI, or whether possibly there were two memos. I didn't see them.

Mr. Sprague. Who would be the decisionmaker about notification to the FBI?

Mr. Phillips. In the case of an American, it would automatically be Mr. [03] That was standard procedure, that the FBI should know information about Americans. That would be his responsibility.

Mr. Sprague. All right, then, stop right there.

If that was Mr. [03] responsibility, automatically when it involves, I guess, any American, what would be a reason for Mr. [03] holding up notification to the FBI and even a more important case, when there is a decision being made that this is of enough importance to notify CIA headquarters in Washington.

Mr. Phillips. All right, sir.

For clarity I will try to divide the responsibility into two parts. It was very clearly Mr. [03] responsibility to get off this message to Washington and see that it was done right in his shop. The second responsibility, to see that the FBI should know, it still would have been his responsibility, but a number of people might have actually prepared that little

1 report.

2 I remember when I was talking with your staff last night
3 I was trying to recall the people who might do this, and I
4 had forgotten the reports officer, and if I recall correctly,
5 an assistant. They sometimes had the instruction, "advise the
6 FBI," and so forth.

7 Mr. Sprague. Do you know whether or not a copy of the
8 transcript in this case went to the reports officer, or was
9 this considered enough of an important matter, as you related,
10 sometimes the report officer was bypassed by Mr. Scott in
11 this and that category?

12 Mr. Phillips. No, it definitely was not.

13 Mr. Sprague. Now, do you know that this went to the
14 reports officer as well?

15 Mr. Phillips. I don't know. I know that this kind
16 of subject would routinely go to the reports officer, so it
17 is possible that that person participated in whatever memorandum
18 advised, and also the --

19 Mr. Sprague. Go ahead.

20 Mr. Phillips. Also the two American contract women that
21 I talked about that worked there, this was the sort of thing
22 that Mr. [03] might say to one of them, would you please do
23 a little thing for the Bureau, or something like that. So
24 any one of a number of people could actually have prepared
25 that, but Mr. [03] was the one that had to see that that

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1 message went out of his office.

2 Mr. Sprague. In any event, would there be more than a
3 three or so delay before notification or five day delay before
4 notification to the FBI?

5 Mr. Phillips. I think if you wanted to establish
6 what a station chief would consider as responsible, he would
7 say two days would be all right on a routine case. He would
8 like to see it go more rapidly, depending on what other work
9 went along. This was delayed longer than that.

10 Mr. Sprague. This was a little more than just a
11 routine case, was it not?

12 Mr. Phillips. Yes.

13 Mr. Sprague. Do you know what the reason was for a
14 delay longer than what would have been in the routine case?

15 Mr. Phillips. No, sir, I do not.

16 Mr. Sprague. Did you take as part of, let's say, your
17 duties, to see that the FBI was promptly notified?

18 Mr. Phillips. In the sense that if I thought it hadn't
19 been done, I would certainly have said, even though this is
20 your case, what happened, and in a similar case of mine I
21 would do that, and it was routine in the case of an American.

22 Mr. Sprague. Well, when you were pushing about the
23 cablegram to Washington, D. C. and finally pushed -- when
24 [03] did it, were you also pushing to see that the FBI
25 was notified?

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1 Mr. Phillips. No, sir, I don't recall that I was.

2 Mr. Sprague. Why not?

3 Mr. Phillips. I don't know why I wasn't. Perhaps I
4 did and I just don't remember.

5 Mr. Sprague. Did a response come to whatever cablegram
6 was sent to CIA headquarters in Washington?

7 Mr. Phillips. To Mexico. Yes, sir, a response came.

8 Mr. Sprague. And how long after the cablegram that you
9 had described was sent?

10 Mr. Phillips. I cannot recall.

11 Mr. Sprague. Do you have an approximation?

12 Mr. Phillips. Four or five days. That's a guess.

13 Mr. Sprague. Did you see that response?

14 Mr. Phillips. Yes, sir.

15 Mr. Sprague. And would you tell the members of the
16 Subcommittee what was that response from Washington, as best
17 you can recall?

18 Mr. Phillips. The thrust of the message was something
19 like this. Your man that you asked about is Lee Harvey
20 Oswald. I believe it said that he had been in the Soviet
21 Union and was married, and married to a Soviet woman, something
22 about the Navy, the Marines, he had been in the Marines,
23 but it was biographical business that identified him as Lee
24 Harvey Oswald. I just can't remember the details.

25 Mr. Sprague. What else do you remember about that?

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1 Did this response indicate that this person, that
2 they believed was the same person named Oswald, had been in
3 the United States Navy?

4 Mr. Phillips. I seem to recall that. No, I --

5 Mr. Sprague. I am asking you on the basis of what you
6 told me last night.

7 Mr. Phillips. U.S. Marines, I think the Navy advises,
8 something about the Navy.

9 Sir, may I make a parenthetical observation?

10 Mr. Sprague. Sure.

11 Mr. Phillips. You asked me last night in the subpoena
12 to bring any documents that I have and so forth. I have no
13 files or documents, but I do have the draft pages of a book
14 of mine which is going to be published shortly indicating
15 the deletions that the CIA asked for, which I did bring down
16 in response to the subpoena. It is about six or seven pages,
17 and it is a wrap-up of all of the things -- not all, but of
18 the things we have been talking about today.

19 As I recall then, in writing this some months ago -- and
20 so I wanted you to know that I do have it here.

21 Mr. Sprague. Okay, we will get to that but what I am
22 asking you now is what is your recollection as to that cablegram
23 that CIA headquarters in Washington sent in response to whatever
24 cablegram was sent to them from Mexico?

25 Mr. Phillips. The name is Lee Harvey Oswald and he is

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1 married to a Soviet, he has been in the Soviet Union, he was
2 in the U.S. Marines or in the Navy --

3 Mr. Sprague. Did it not also, according to what you
4 have said previously, indicate that he had defected to the
5 Soviet Union?

6 Mr. Phillips. Yes.

7 Mr. Sprague. What?

8 Mr. Phillips. Of course I said that, and I think I
9 recall that.

10 Mr. Sprague. And that is my question, is that part of
11 what was in that response, responding cablegram from CIA
12 headquarters in Washington, D. C.?

13 Mr. Phillips. I think I remembered something like that,
14 yes, but I cannot be absolutely positive. I realize that I
15 am saying that I don't remember what I said last night, but
16 I think it was there.

17 Mr. Preyer. All right, we will take a break.

18 We will take a ten minute break. The Committee will
19 stand in recess for ten minutes.

20 (Whereupon, a brief recess was taken.)

21 Mr. Sprague. Mr. Phillips, continuing after the
22 recess, I had been asking you about that responding cablegram
23 from CIA headquarters in Washington, D. C., and my question
24 was, did that response from headquarters indicate that this
25 Lee Oswald, or whatever the middle name was that was there,

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1 had defected to the Soviet Union and that he had married a
2 Russian woman.

3 Mr. Phillips. I am not positive that that is the case.
4 I cannot say that it is. That was my recollection, but it
5 may have been that I learned that at a later date, but I
6 recall it as sort of a message, definitively describing the
7 man so there was no question about who he was. But I just
8 cannot recall the details.

9 Mr. Sprague. Let me show you a document which I do not
10 believe is the response, responding cablegram, but maybe
11 upon looking at it, it will refresh your recollection as to
12 what may have been in the responding cablegram from CIA
13 headquarters.

14 (The Witness inspected the document.)

15 Mr. Phillips. No, sir. This is a cable, a communication
16 sent by CIA headquarters in Washington to the Department of
17 State, the FBI, and the Department of the Navy. It is not
18 the response to Mexico City.

19 Mr. Sprague. I know that, and I said that was not the
20 responding cablegram. I just wanted you to look at that
21 and see if that helped refresh your recollection as to what
22 was in the responding cablegram that did come from Washington,
23 CIA headquarters.

24 Mr. Phillips. Yes. It makes me think that I am
25 correct in remembering that the one that finally did come

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1 mentioned for the first time I think to Mexico that he had
2 defected to the Soviet Union, and his wife was there and so
3 forth.

4 I recall that the one that went from CIA headquarters to
5 Mexico straightened the record about the name, rather than
6 the way it is here.

7 Mr. Sprague. Before we continue with that, let me show
8 you another memorandum which I will request be marked Exhibit
9 2 and see if you can identify that. Forget any of the
10 notations on the side of it.

11 (The Witness inspected the document.)

12 Mr. Phillips. I am finding it a little difficult to
13 read.

14 Mr. Sprague. Can you identify that memorandum?

15 Mr. Phillips. It is an internal memorandum in the Mexico
16 City embassy which I gather, because it says for the ambassador,
17 so it was something prepared in CIA headquarters in Mexico
18 and sent to the ambassador and perhaps others. I do not
19 know.

20 Mr. Sprague. Now, if I may, just reading this, this is
21 headed 16 October 1963, is that correct?

22 Mr. Phillips. I didn't notice that, sir?

23 Yes, sir.

24 Mr. Sprague. Memorandum for, and then it is blank, the
25 ambassador, from, and then it is blank, but you indicate this

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1 is probably from CIA to the American ambassador in Mexico,
2 and then there is some wording, subject looks like Lee Oswald,
3 contact with the Soviet embassy, and then under that, ambassador
4 notified, and one, printed. The following information was
5 received, and then blank space, on October 1, 1963, an
6 American male contacted the Soviet embassy and identified
7 himself as Lee Oswald. This office determined that Oswald
8 had been at the Soviet Embassy on 28 September 1963 and talked
9 with, and then a name, Valery, and then the rest of it,
10 Kostikov, a member of the Consular Section, in order to
11 learn if the Soviet Embassy had received a reply from
12 Washington accompanying his request.

13 We have no clarifying information with regard to this
14 request.

15 And let me just stop there.

16 Can you explain why the CIA, on the 16th of October,
17 1963, is advising the United States ambassador in Mexico
18 that they have no clarifying information on this request when,
19 according to you, the intercepted conversation spelled out a
20 number of other things?

21 Do you have any explanation as to that?

22 Mr. Phillips. If my recollection of the intercept is
23 correct, no, I have no explanation.

24 There is one thing I will note there, as a possibility
25 to explain something ambiguous. It was sometimes the

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1 custom, and Mr. Scott requested it, that when something like
2 this went on paper to another part of the embassy other than
3 the FBI office, specifically, the ambassador's office, that
4 the sources were fudged, in other words, they were rewritten,
5 so that the people in the ambassador's office, and I am
6 thinking particularly of an ambassador's aide, that Mr. Scott
7 didn't have complete confidence in, and these papers not only
8 go to the ambassadors but the secretaries, he would sometimes
9 have them rewritten to protect the source. So when they say
10 visited, it could mean really that he is referring to a
11 telephone thing and so forth.

12 But I do not know the answer to the first part of your
13 question.

14 Mr. Sprague. And the second part of this memorandum
15 says, headquarters has informed us that Oswald above is
16 probably identical with Lee Henry Oswald, born on 18 October
17 1959, in New Orleans, Louisiana, a former radar operator in
18 United States Marine Corps who defected to the Soviet
19 Union in October 1959. This office will advise you if
20 additional information on this is received.

21 Now, does that help refresh your recollection as to that
22 responding cablegram from Washington to CIA headquarters there?

23 Mr. Phillips. It helps, and I believe what may have
24 appened is that this message, sent to agencies in the United
25 States, was sent, and an information copy was sent to Mexico

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1 City, and without waiting for the answers from the agencies
 2 in the United States, someone in the CIA station went ahead
 3 and sent out this memorandum based on this information copy.
 4 Actually, this copy is asking information from U.S. agencies,
 5 and it looks like someone may have gone ahead, taken material
 6 out of there to prepare that.

7 (The document referred to was
 8 marked Phillips Exhibit No. 2.)

9 Mr. Sprague. All right, and just for the record, the
 10 other document that I have had you look at, which I will ask
 11 be marked for identification as Exhibit No. 3, Mr. Chairman.

12 Mr. Preyer. Without objection, so ordered.

13 (The document referred to was
 14 marked Phillips Exhibit No. 3.)

15 Mr. Sprague. Has a heading and it appears to be from
 16 CIA to Department of State, Federal Bureau of Investigation,
 17 Department of Navy, headed Secret, Subject: Henry Oswald --
 18 it says Lee Henry Oswald.

19 One, on 1 October 1963 a reliable and sensible source in
 20 Mexico reported that an American male who identified himself
 21 as Lee Oswald contacted the Soviet Embassy in Mexico City
 22 inquiring whether the embassy had received any news concerning
 23 a telegram which had been sent to Washington. The American
 24 was described as approximately 35 years old with an athletic
 25 build, about six feet tall, with a receding hairline.

1 Two, it is believed that Oswald may be identical to
2 Lee Henry Oswald, born on 18 October 19 -- looks to be 39 here,
3 maybe this other one was '39 -- in New Orleans, Louisiana,
4 a former U.S. Marine who defected to the Soviet Union in
5 October 1959 and later made arrangements through the United
6 States embassy in Moscow to return to the United States with
7 his Russian-born wife, Marina, and it goes on with the name,
8 and their child.

9 Three, the information in paragraph 1 is being disseminated
10 to your representatives in Mexico City. Any further informa-
11 tion received on this subject will be furnished to you. This
12 information is being made available to the Immigration and
13 Naturalization Service.

14 Now, does that help refresh your recollection as to the
15 responding cablegram that you got from CIA headquarters in
16 Washington?

17 Mr. Phillips. It makes me believe, Counsellor, that I
18 recall a cablegram coming from Washington as a CIA cable
19 answering the cable when in fact I may recall this information
20 which came down in an information copy, or one way or the
21 other. I would still have thought that there would have been
22 a regular response following the answering of this.

23 Mr. Sprague. Well, if in fact there was no responding
24 cablegram, would you be surprised at that?

25 Mr. Phillips. Yes, sir, I would.

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1 Mr. Sprague. Now, in any event, whether a responding
2 cablegram or the information in the document I have just read
3 to you, it is correct, I gather, that at some point shortly
4 after the cablegram had been sent to Washington, that the
5 Mexico CIA operation now had advice that Oswald, the person
6 who perhaps was Oswald, had been in the service, had defected
7 to Russia, had come back to the United States, is that correct?

3 Mr. Phillips. Yes, sir.

9 Mr. Sprague. Now, with that additional information, plus
10 the fact of your having seen an intercept, that this American
11 was saying what you said you saw in that transcript and had
12 been trying to get out of the country with whatever the
13 arrangements the Soviets would make to Cuba and to Russia, did
14 this now become a most unusual situation?

15 Mr. Phillips. Yes, sir, it escalated the importance of
16 it.

17 Mr. Sprague. All right, now, upon gathering that
18 information, what did the CIA -- what did you do? Let me
19 put it that way first.

20 Mr. Phillips. I did not do anything unusual such as
21 mounting a new technical operation or anything because of
22 this. I believe --

23 Mr. Sprague. Well, was anything done right then and there
24 to find out where is Oswald?

25 Mr. Phillips. On the side, as far as the Cuban embassy

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1 was concerned, as I recall it, we then tasked our agents what
2 do you know about a man named so and so with this and that
3 and the other, and asked them if they knew about his visit
4 or something like that.

5 Mr. Sprague. But you know something about him.

6 My question now is, having first had your suspicions
7 excited enough to send a cablegram to Washington in a situation
8 that you say was somewhat unusual, you now reach the most
9 unusual, do you not, of finding out that this person who was
10 trying to get to Cuba and Russia and whatever places that you
11 said, turns out to have been a defector to Russia who was --
12 who had returned and come back to the United States.

13 Now, is that not unique, really?

14 Mr. Phillips. It is.

15 Mr. Sprague. And was there not a thought then by CIA,
16 let's find out where is this man right now?

17 Mr. Phillips. Okay, sir.

18 I recall that any actions I took were simply routine
19 ones, and the reasons would be these. These, at this stage,
20 is an FBI operation.

21 Mr. Sprague. Do you know whether the FBI had been
22 notified at that point that this individual in the intercepted
23 phone call was alleged to have said the things that you have
24 told us appeared in that intercepted transcript?

25 Mr. Phillips. I do not, sir. I don't know that they

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1 were.

2 Mr. Sprague. If in fact the FBI had not been told
3 that this individual was doing other than just going to
4 contact the Russian embassy to inquire about a telegram from
5 Washington and had not been told that he had been talking to
6 them about trying to get to Cuba and to Russia, and talking
7 about it being worth their while in some way if they contact
8 him and that they ought to help him get out, how would the
9 FBI then know of the uniqueness of the situation?

10 Mr. Phillips. They would not know, sir.

11 Mr. Sprague. Who would be responsible for seeing that
12 that information is given to the FBI?

13 Mr. Phillips. Mr. [03] shop, but with the escalating
14 importance, that sort of responsibility would go right to the
15 Chief of Station as well.

16 Mr. Sprague. Do you know what Mr. Scott or the people
17 who were in line command, even, did upon getting this
18 information and tying this with that information in the
19 transcript?

20 Mr. Phillips. No, sir, I cannot recall.

21 My vague recollection, or perhaps I am remembering what
22 I think must have been, was that at some stage here we were
23 advised by the FBI or found out that Oswald had left the
24 country, but I do not recall, I do not know.

25 Mr. Sprague. Well, while he was still in Mexico, would

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1 the CIA have wanted to find out his whereabouts and start
2 some sort of surveillance or check on him?

3 Mr. Phillips. Yes, sir.

4 Mr. Sprague. Did the CIA -- would the CIA lose interest
5 in the potential threat by this person just because he was
6 then no longer in Mexico?

7 Mr. Phillips. Yes, sir, it would become someone else's
8 case if he had returned.

9 Mr. Sprague. Well, whose obligation was it to make
10 sure that that someone else had all of the information that
11 now made this a unique case for the Mexican operation of CIA?

12 Mr. Phillips. Mr. [03] Mr. Scott, and myself as well.

13 Mr. Sprague. Did you?

14 Mr. Phillips. I did not. I don't want to say I did not.
15 I do not recall doing it.

16 Mr. Sprague. But Mr. Phillips, I am sure that you would
17 have wracked your brain many times, and it seems to me you
18 obviously did not, and my question really gets back to why
19 not, and that perhaps gets back to an earlier question, to
20 some degree you have slithered around what are quotes of you
21 by people in the news media.

22 Mr. Phillips. Yes, sir.

23 Mr. Sprague. And you end up making a statement here
24 to this Subcommittee that, well, part of that statement was
25 what I learned then and what I learned subsequently, which

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1 in my view just does not make sense at all, and I am putting
2 to you really whether you are being totally candid with the
3 Subcommittee.

4 Mr. Phillips. I am trying to be totally candid. One
5 of my principal problems, Counsellor, is that since this
6 event took on such magnitude because of the assassination, these
7 things that we are talking about today I have heard in so
8 many varied forms on talk shows and magazine articles, and I
9 find it terribly difficult --

10 Mr. Sprague. Mr. Phillips, you made statements to a man
11 from UPI, you made statements to a man from the Washington
12 Post. I can't speak for the Subcommittee, but I find it
13 inconceivable that in relating that statement to Mr. Gillmore
14 that you are relating that what you heard Oswald say is that
15 he had information that might be useful to the Soviets and
16 Cuba, and that he hoped to be provided with free transportation
17 to Russia via Cuba, that in summary, you were adding in there
18 information subsequent to the assassination? Do you think
19 that makes sense?

20 Mr. Phillips. Counsellor, I stand by what I said. I
21 still recall that my perception of that first knowledge I
22 had of him. Perhaps to some extent, based on the very fact that
23 he as seeking a visa was, here was a man who wanted to go to
24 the Soviet Union and was projecting himself with some importance
25 to try and get it.

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1 Mr. Sprague. By projecting himself with some importance,
2 you mean he was then indicating to them, he was tooting his
3 own horn, that he could be of some value to them. Is that
4 what you mean?

5 Mr. Phillips. Yes, sir.

6 Mr. Sprague. Well, if that is what you mean, then say
7 so.

8 Mr. Phillips. All right, sir.

9 Mr. Sprague. I do not want to say it. It is you. Is
10 that what you mean?

11 Mr. Phillips. Yes, sir.

12 Mr. Sprague. When you get this response from CIA
13 headquarters in Washington making this a unique situation
14 which would have called for surveillance of Oswald while he
15 was in Mexico, do you know what steps were taken to ascertain
16 whether or not he in fact was still in Mexico?

17 Mr. Phillips. No, sir, I do not recall. I do not
18 recall why all of a sudden there was no action. The logical
19 reason would have been -- and I don't recall it -- was that
20 we found out he had returned to the United States. In that
21 case the interest would have been dropped, and that would have
22 been that.

23 Mr. Sprague. The interest by whom?

24 Mr. Phillips. By the CIA.

25 Mr. Sprague. You mean the CIA would not have an interest

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1 in this American who was trying to offer things to the Soviets
2 and get out of the country through Cuba?

3 Mr. Phillips. Well, yes, certainly they would have an
4 interest. On the list of priorities that were tasked that would
5 go down in Mexico, at least certainly the step would have
6 been taken that he would have been put on what was known as
7 the watch list so that if his name ever popped up again in
8 Mexico, somebody said this is the man --

9 Mr. Sprague. Did you ever have there in Mexico another
10 American citizen who you were aware of giving an implica-
11 tion, an offer of some information to the Soviets and wanted
12 to get to Cuba and Russia, who had been a defector to
13 Russia before?

14 Mr. Phillips. Not a package of this kind and a double
15 header of the Soviet Union. They were extremely unusual
16 cases.

17 Mr. Sprague. Did you ever have a case that had all of
18 those in it?

19 Mr. Phillips. No, not all of that combination.

20 Mr. Sprague. Why do you say this would have been a lesser
21 priority situation?

22 Mr. Phillips. Well, I meant, Counsellor, if he had
23 left Mexico, and when we learned that he was no longer in
24 Mexico, it would have become low priority while he was -- unless
25 he came back to Mexico, not necessarily to CIA headquarters

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1 should he show up elsewhere.

2 Mr. Sprague. Well, of course, aren't you also assuming
3 in here that other agencies who had been notified had been
4 advised of the information that you say was on that intercepted
5 telephone call, is that correct?

6 Mr. Phillips. I'm sorry, sir.

7 Mr. Sprague. Aren't you making an assumption that when
8 the CIA Mexico Division lets up because he has gone out of the
9 country, that other agencies of the Federal Government are
10 taking up their proper duties, but contingent upon them
11 having all of the information that the CIA had?

12 Mr. Phillips. Yes, sir, I think that is an assumption
13 on my part.

14 Mr. Sprague. And you say that was [03] obligation,
15 to see that that information was given to the other
16 agencies?

17 Mr. Phillips. As you described, it was a case of
18 sufficient importance that it was Mr. [03] and Mr. Scott's
19 and I would have to share some responsibility as well. At
20 the very best, it is not professional, at the best.

21 Mr. Sprague. How would you explain if in fact no
22 other agency of government was advised that in this intercept
23 Oswald had been attempting to -- had spoken of attempting to
24 go to Cuba, to Russia, and was indicating that he had something
25 to offer the Soviets, and he wanted them to help him get out

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1 of the country, how do you explain if in fact that information
2 was not communicated to any other agency of government, how
3 do you explain that?

4 Mr. Phillips. I can't explain it, and I would call it a
5 grievous omission, and the dimension of the gravity of it
6 depending upon the motive for it.

7 Mr. Sprague. Well, I guess my question ends up, would
8 that just be an omission or would that be more likely a
9 decision by someone not to have that information in the context
10 of what I just said given to the other agencies of government?

11 Mr. Phillips. It is possible that it could be an omission
12 in the sense of someone waiting to wrap up another package,
13 and they are going to produce a nice round report that they
14 could be proud of. We covered this man all the time, and
15 here are the stories. That is possible.

16 However, I tend to agree with your implication that
17 serious enough, it certainly could be somebody decided not
18 to do it for one reason or another, but of course, that is
19 an assumption.

20 Mr. Sprague. Now, where would decisionmaking like that
21 come from, not to notify other agencies of the United States
22 government?

23 Mr. Phillips. I can tell you that precisely, sir,
24 Win Scott. No one else would dare make that decision without
25 Win Scott's knowing about it and approving it.

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1 Mr. Sprague. And would he do that strictly on his own?
2 Or would he discuss that with anyone in a superior position to
3 him?

4 Mr. Phillips. If he were to do that without some
5 logical explanation of why he was doing it, he wouldn't
6 discuss it with anyone, because if he were to do that, and to
7 let someone know that he wasn't getting this information out,
8 all sorts of things could -- somebody just might go to the
9 IG, the Inspector General or something like that.

10 Mr. Sprague. Well, let me ask you this, and maybe this
11 gets back to the earlier part of the question.

12 These cablegrams that get routed from your Mexico
13 station, let's say even the one that [03] prepared for
14 Mr. [03] and then you saw, did they go immediately from
15 Mr. [03] out for dissemination, for transmission? Did they
16 go immediately from you? Did these always get routed from
17 each of you back to Mr. Scott, and it is Mr. Scott who then
18 sees that they are transmitted?

19 Mr. Phillips. The final signature, the release, is
20 Mr. Scott's, and it goes directly from his office to the
21 Communications Section, and he is the last one.

22 Mr. Sprague. And is the first time, in looking at that
23 excised copy that we have of what appeared to be a cablegram
24 to Washington, that you were aware that, assuming that that
25 is the one that was sent, that there appears to have been

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1 no notification of the information that you say was in that
2 transcript?

3 Mr. Phillips. Well, I might qualify it by saying as of
4 yesterday and today it is the first indication that I have
5 had that this information might have been held back from other
6 agencies and from the Warren Commission. The possibility is a
7 surprise to me, yes.

8 Mr. Sprague. Between it being an omission, when we
9 consider you, Mr. [03] Mr. Scott, and it being a deliberate
10 decision not to give this information, which is the more likely
11 in your opinion, from having worked there?

12 Mr. Phillips. In my opinion, sir, it is more likely
13 that it would have been an omission rather than an act of
14 that kind. That is my opinion.

15 Mr. Sprague. And why do you say that, because you think
16 the other is just too terrible to contemplate?

17 Mr. Phillips. That is certainly one thing, but the
18 main thing is, I wasn't aware of a similar action taken by
19 Mr. Scott or other people and I just --

20 Mr. Thone. Mr. Phillips, for the record, Mr. Scott
21 is deceased.

22 Mr. Phillips. Yes, sir.

23 Mr. Thone. And when did he die?

24 Mr. Phillips. He resigned from CIA in Mexico where he
25 had been a long time, and he died in -- I have it written in

1 here.

2 Mr. Thone. Approximately.

3 Mr. Phillips. About 1970 or '71. '71 or '72, after
4 the retirement, he stayed right in Mexico, had a heart attack
5 and died.

6 Mr. Thone. A heart attack.

7 Mr. Phillips. Yes, sir.

8 Mr. Sprague. Mr. Phillips, you said that there may be
9 one or two other intercepts after this intercept that you have
10 been discussing.

11 In any event, is the intercept that you have been
12 discussing the first intercept that you were aware of of
13 Oswald?

14 Mr. Phillips. Yes, sir, I believe that to be true.

15 Mr. Sprague. Did you have any more information concerning
16 the first intercept, in the whole sequence of events that we
17 have gone through and the response from Washington, other than
18 what you have testified to now?

19 Mr. Phillips. I'm sorry, sir, I didn't --

20 Mr. Sprague. Do you have any other information concerning
21 that first intercept other than what you have now testified
22 to before this Subcommittee?

23 Mr. Phillips. I do not.

24 Mr. Sprague. And the last you had any knowledge about it
25 was upon the response from Washington.

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1 Is that correct?

2 Mr. Phillips. It is the last that I recall, sir.

3 Mr. Sprague. Let me see if there is anything else.

4 Do you know, of your knowledge, whether with regard to
5 that first intercept, the Immigration Department was notified?

6 Mr. Phillips. About that first intercept, I don't know.
7 My recollection was that in the embassy in Mexico City, the
8 facts were Oswald being there. I presume that must be the
9 first intercept was sent out to the State Department, FBI and
10 Immigration and Naturalization, or at some time they were
11 advised, but --

12 Mr. Sprague. Was the Secret Service advised at any time?

13 Mr. Phillips. Not to my knowledge, sir. First, one,
14 there is no Secret Service in Mexico.

15 Mr. Sprague. Now, with regard to each of the notifica-
16 tions of any agencies, you do not know, I take it, whether that
17 notification contained the information you have told us about.

18 Mr. Phillips. No, sir, I do not.

19 Mr. Sprague. All right, now, the second intercept,
20 what is it that you saw and recall about that, and how long
21 was that after the first, as best you can recall?

22 Mr. Phillips. Okay.

23 I believe that after the assassination, with the interest
24 that we were able to go back over the transcripts, that I
25 recall something about Sylvia Duran and some longer information

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1 about her conversation. In other words, I recall the
2 intercept, not just the shortie that was the first one, but
3 one that had more substance, about this guy is over here and
4 what about it --

5 Mr. Sprague. This is a conversation by Oswald?

6 Mr. Phillips. No, sir, but it was about Oswald.

7 Mr. Sprague. No, I am talking now about conversations
8 by Oswald, after the first intercept, which is a conversation
9 by Oswald. When is the next intercept of Oswald that you have
10 any recollection about?

11 Mr. Phillips. I don't recall, sir. Like I said last
12 night, I am not absolutely positive. I have this feeling
13 there was another one or two, and I do not -- I cannot be
14 positive about that.

15 Mr. Sprague. What is your best recollection about this
16 other one or two as to what the content was, regardless whether
17 it is one or two?

18 Do you have any recollection?

19 Mr. Phillips. A second query about whether his visa
20 has come? I don't remember, sir. I don't remember.

21 Mr. Sprague. All right, now, do you recall any conversation
22 that were intercepted about Oswald?

23 First, yes or no?

24 Mr. Phillips. Yes, sir.

25 Mr. Sprague. And how many do you recall?

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1 Mr. Phillips. If I can limit it to before the
2 assassination --

3 Mr. Sprague. Well, I am only talking about before the
4 assassination.

5 Mr. Phillips. I believe I recall the one I am calling
6 the long one, Sylvia Duran.

7 Mr. Sprague. All right, that is one.

8 Do you recall any other intercepted conversations about
9 Oswald?

10 Mr. Phillips. No, I do not.

11 Mr. Sprague. All right.

12 In that conversation, can you tell us as best you can
13 recall when that was intercepted, and you saw the
14 transcript in relationship to that first Oswald transcript
15 that you have been telling us about.

16 Mr. Phillips. My best recollection is that that was
17 there on the record, but what it was -- it didn't identify
18 Oswald, but somehow after the assassination, when we went
19 scrambling back through records, ah, that must be about
20 Oswald. That is my best recollection.

21 Mr. Sprague. In other words, you are saying the first
22 you are aware of that you can recall of this intercepted
23 transcript about Oswald, you first saw after the assassination.

24 Mr. Phillips. That is what I recall, sir, yes, sir.

25 Mr. Sprague. You have no recollection of seeing it

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1 prior to the assassination, or being marked for attention or
2 anything like that?

3 Mr. Phillips. No, sir. My recollection is that it was
4 afterwards.

5 Mr. Sprague. Let me back up one second, getting back
6 again.

7 After you got that response from Washington, from CIA
8 headquarters, the additional information about Oswald is a
9 defector, all of that, without repeating it, and recognizing
10 that the situation now is unique, did anyone then give an
11 order to save that tape?

12 Mr. Phillips. Not that I recall.

13 Mr. Sprague. I assume the tape, though, from what you
14 said earlier, must have been at least held up since you
15 were -- and the destruction of the tape, since a cablegram
16 was going to Washington for information.

17 Mr. Phillips. That would not necessarily be true, and my
18 recollection is that it was not held up. Once the information
19 was taken off of it, it was once again sent back for reuse.

20 Mr. Sprague. Immediately? I thought you said earlier
21 that there was a period of time for the tape to be held for
22 the decisionmaking process to at least work on whether to
23 keep the tape.

24 Mr. Phillips. Yes, sir, but not in the office of the
25 decisionmakers in the embassy. The tape would return to the

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1 outside unit, as I understood it, and it was there that you
2 would say -- that the message would go eventually, hold the
3 tape.

4 Mr. Sprague. When you saw this response from Washington,
5 did you think anything of let's get that tape?

6 Mr. Phillips. No, sir, I did not.

7 Mr. Sprague. Did you discuss it with anybody?

8 Mr. Phillips. No, sir, I did not.

9 Mr. Sprague. All right.

10 Getting back to this conversation about Oswald which you
11 do not recall seeing prior to the assassination, but, you got yo
12 say, afterwards, do you recall when that intercept had occurred?

13 Mr. Phillips. To preface the remark, after this whole
14 thing was over, I noted certain weaknesses in my performance,
15 one of them being, damn, why didn't I know more about this
16 before the assassination?

17 So I think what may have happened is I did indeed see
18 the transcript and didn't recognize that it pertained to the
19 other transcript. So it went back into the files. After
20 the assassination, let's look at everything, my goodness,
21 that's talking about Lee Harvey Oswald.

22 So it is quite possible that I saw it and didn't recognize
23 the value or the connection with Oswald because it was just
24 a case -- well, that is possible.

25 My recollection is that it meant nothing to us until after

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1 the assassination.

2 Mr. Sprague. But my question still is, Mr. Phillips,
3 when you did see it after the assassination, do you have any
4 recollection now as to when that intercept had been made?

5 Mr. Phillips. No, sir, I do not.

6 Mr. Sprague. In late September, early October '63?

7 Mr. Phillips. It would have had to have taken place
8 at the very end of September or early October, because Oswald
9 went back soon, but I don't remember which of those days it
10 was on.

11 Mr. Sprague. And can you summarize for us what was the
12 substance of that conversation about Oswald, and between what
13 parties was that conversation?

14 Mr. Phillips. Sylvia Duran, somebody in the Soviet
15 embassy.

16 Is that the first time I read about -- I think it was --
17 obstreperous character over here, acted badly, had to call
18 the consul down, an explanation, he got mad when we told him
19 that we weren't going to get you a visa until the Soviets
20 did, something -- Sylvia Duran talking with someone. I am
21 not sure whether it was a Soviet, but that's the general kind
22 of thing, a description of Oswald and his actions toward
23 Sylvia Duran when he found out he wasn't going to get a
24 visa.

25 Mr. Sprague. Are you saying that if you had seen this

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1 transcript shortly after it had been made, that you would not
2 have connected that with the transcript of Oswald that you
3 have just told us about, if this Duran thing was again a
4 call from the Cuban embassy to the Russian embassy, it is
5 involving someone wanting visas to Cuba and Russia, which is
6 the very thing --

7 Mr. Phillips. Well, I certainly would have, so I think
8 that it must have been vague enough that I didn't note that
9 or didn't see it until after the assassination.

10 Mr. Sprague. Is there any other conversation concerning
11 Oswald that you are aware of?

12 Mr. Phillips. No, sir, I don't recall any other.

13 Mr. Sprague. At any time, was there an effort made to
14 go over with the surveillance team that was on the Cuban
15 embassy, not the Russian, as to who were the people observed
16 going into the Cuban embassy between September 28th and
17 October 3, 1963, that you know of, and you were there at least
18 at that station for another two years.

19 Mr. Phillips. You are speaking after the assassination
20 as well? Yes. The photographs, all the photographs that were
21 available from the coverage of the Cuban installation were
22 inspected by Mr. Shaw and by me. They were in long strips, and
23 we went over every single one, seeing if we could find a picture
24 of Oswald.

25 Mr. Sprague. But did you not also say that the camera

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1 did not work on occasions during that period of time.

2 Mr. Phillips. We knew -- how did this work, now? We
3 knew that we wouldn't find a picture of him on the day of
4 the intercept. Nevertheless, we wanted to look back -- and
5 I think we looked back for 30 or 45 days.

6 Mr. Sprague. My question was, did anybody go over the
7 descriptions, what the surveillance team observed of people
8 entering into the Cuban embassy, and who, between September
9 27th and October 3, 1963?

10 Mr. Phillips. No, sir. There would have been the -- there
11 was no team in there. It was just a place where the camera
12 was with an operator and so forth, and he would --

13 Mr. Sprague. But if the camera wasn't operating, isn't
14 there somebody making notations? I thought you said that
15 earlier?

16 Mr. Phillips. Everything before -- later the camera,
17 as I recall, became an automatic model that worked, and then
18 there would be people taking down license plates and that sort
19 of thing, but there was no material available to indicate a
20 man looking like this walked in on this day. There was nothing
21 like that, and I believe the reason was that there was no
22 operative in there.

23 Now, certainly we looked for the other days to see if
24 there was anything. I remember, for instance, that we wrote
25 down every single license plate that was from the United States,

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1 thinking maybe this will be connected with Oswald, and that
2 sort of thing.

3 Mr. Sprague. Do you know of a Russian agent named
4 Kosta, K-o-s-t-a?

5 Mr. Phillips. I have heard of that name, but I don't
6 know what the case is.

7 Mr. Sprague. Did you ever in any of your CIA work
8 come across that name as a Russian agent?

9 Mr. Phillips. I don't recall it. It is familiar.

10 Mr. Sprague. What about the name Kostikov?

11 Mr. Phillips. No, I don't relate that to it.

12 Mr. Sprague. I have no further questions at this time,
13 Mr. Chairman.

14 I think Mr. Brooten may have some.

15 Mr. Preyer. Would you prefer to ask a few, Mr. Thone,
16 or shall Mr. Brooten?

17 Mr. Thone. I will be very brief. I think Mr. Sprague
18 has been very comprehensive.

19 Mr. Phillips, there is one link here that doesn't ring
20 true to this Nebraska farm boy. Maybe I am just way off
21 base.

22 Stop me if I don't recite this little part here -- it is
23 no big deal, but stop me if I am not correct factually.

24 The visit of Lee Harvey Oswald in your area there was
25 about eight weeks before the assassination. I think your

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1 best recollection was September 28th or something, but I
2 think there are some other indications that might have occurred
3 on the 27th, which I don't think is that important, and that
4 he was down there for four or five days. At the time, you had
5 the chief responsibility for the Cuban, what do you call it?

6 Mr. Phillips. Well, Cuban targets is what you call it.

7 Mr. Thone. Cuban targets. And the testimony, I think,
8 is pretty extensive that in the intercept there, that he,
9 Mr. Oswald, talked about wanting to go to either Russia or
10 Cuba.

11 Mr. Phillips. Uh-huh.

12 Mr. Thone. Not necessarily through Cuba to Russia.

13 Am I correct there, so far, that he might just want to
14 go to Cuba?

15 Mr. Phillips. Yes. There was the possibility that
16 he would go to Cuba and/or. In other words, I don't recall
17 anything that said I must go to Cuba in order to get to the
18 Soviet Union. I think maybe it was the Sylvia Duran conversa-
19 tion or something.

20 Mr. Thone. My point here only is this is your area of
21 responsibility.

22 Mr. Phillips. Uh-huh.

23 Mr. Thone. The thought that this person might only be
24 going to Cuba, so of course, you are real interested in it.

25 Mr. Phillips. Uh-huh.

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1 Mr. Thone. You responded to Mr. Sprague that until
2 yesterday, I assume that was from some of these articles or
3 so, you weren't aware of the fact that the Warren Commission
4 did not know about this particular intercept.

5 Mr. Phillips. That's true, sir, or at least if the
6 Warren Commission had not been advised that he wanted to
7 go to the Soviet Union and Cuba.

8 Am I correct, Counsellor?

9 Yes, I had always thought that they had been advised of
10 that. I presumed it because I didn't see the papers which went
11 from CIA to the Warren Commission, but I would presume that --

12 Mr. Thone. That is what stumbles this little mind of mine.
13 As close as you were to this particular incident, your area
14 of responsibility, a 25 year veteran in this whole area, and
15 as I understand, you had been in Cuba yourself some years
16 before this.

17 Mr. Phillips. Yes, sir.

18 Mr. Thone. That you weren't aware that the Warren
19 Commission had not been advised of this intercept.

20 Mr. Phillips. No, sir, I was not.

21 Mr. Thone. And that the Schweiker Committee was not
22 advised of it, that the Church Committee was not advised of
23 it, and that until now, this key intercept was not made
24 available by the CIA to any of these investigatory agencies,
25 or inquiries, I should say?

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1 Mr. Phillips. No, sir, I was not aware that it was not
2 passed to them. I had certainly presumed and thought that it
3 was.

4 My personal involvement with the Warren Commission was
5 limited to Mexico, where I believe there were four gentlemen
6 who came down to Mexico from the Warren Commission and they
7 talked to us about this, that and the other, and I find it
8 absolutely incredible to believe that we talked to those
9 gentlemen from the Warren Commission and didn't tell them about
10 this information.

11 So the fact --

12 Mr. Thone. Well, it is my understanding from the newspaper
13 accounts -- and you can read lots of things in the newspapers,
14 of course -- that you are now the President of the CIA Retired
15 Association. I assume you are still pretty loyal to that
16 organization.

17 Mr. Phillips. This is an organization composed of
18 intelligence officers from all services, but I still believe
19 that intelligence is necessary.

20 Mr. Thone. So does this Congressman. I think a lot of
21 that agency.

22 But do you think your agency then has been candid with
23 these official inquiries after the discussion that you and I
24 have just had here?

25 Mr. Phillips. No, sir.

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1 Mr. Thone. And what would you attribute that to?

2 Mr. Phillips. I would have no explanation or justification
3 for it.

4 Mr. Thone. I would like to pursue that some more. I
5 don't want to impose on the time of the other people here.
6 Maybe later on we can.

7 A couple of quick other things.

8 On this cablegram that Mr. Sprague showed you, and I
9 think is included as Exhibit 1, the original of that that you
10 said that you signed off on, where would that be?

11 Mr. Phillips. At CIA headquarters there should still be
12 a copy always there.

13 Mr. Thone. Always.

14 Mr. Phillips. Yes.

15 Mr. Thone. With your initials on it.

16 Mr. Phillips. No, because the initials would of course
17 be only on the original copy in Mexico City.

18 Mr. Thone. That is the one I am getting to.

19 Mr. Phillips. But it would be transmitted, sir,
20 telegraphically, so Washington would have a telegraphic copy
21 which does not have initials put on in the field.

22 Mr. Thone. But I am getting to that original work copy
23 prepared by [03].

24 Mr. Phillips. Uh-huh.

25 Mr. Thone. And you said you remember signing off on it.

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1 Where would that be?

2 Mr. Phillips. That should still be in Mexico if it
3 were not brought to the United States because of its importance
4 in this case, but it certainly should still exist, must
5 exist.

6 Mr. Thone. During the period that you had the surveillance
7 over the Cuban embassy, I understand you took pictures and
8 everything else, I understand that is pretty routine, were
9 photographs being taken at the same time of the Soviet embassy?

10 Mr. Phillips. Yes, sir, yes, sir.

11 Mr. Thone. Maybe that is another inquiry or so.
12 Do you know whether or not the camera was working?

13 Mr. Phillips. It was working, sir.

14 Mr. Thone. The camera was working during the entire
15 period. You know that of your personal knowledge.

16 Mr. Phillips. No, I don't know of my personal knowledge.

17 Mr. Thone. But you know that it was working, that
18 particular day that it wasn't working over at the other place,
19 the Cuba.

20 Mr. Phillips. Yes, sir, and I base it on the fact that
21 that picture of that mysterious stranger, as I understand it,
22 was taken on the day of the intercept.

23 Mr. Thone. And it is also, as I understand it -- correct
24 me if I am wrong here -- that Mr. Oswald also visited the Russian
25 embassy during this period that he was down in Mexico City.

1 Mr. Phillips. I do not recall, but I have heard since
2 many times that he made a physical visit to that embassy, but
3 I did not remember that.

4 Mr. Thone. Lastly, this -- I have got a one track mind,
5 I guess -- you mentioned that Mr. Miller of the CIA called
6 you yesterday and frankly, I am a little upset that the CIA
7 would talk about this technically or not under your secrecy
8 charge or so, because I think it is a chilling aspect to your
9 testimony, if nothing further.

10 You are a quality person. I am sure it would have no
11 effect on you. I am not sure that would be true of the
12 average person. You almost remembered the name of the
13 staffer he said he was going to call to talk to this about.

14 If I reviewed some here, would it refresh your memory?
15 Was it Mr. Akers, Mr. Brooten?

16 Mr. Phillips. I am sorry, sir, that who was going to call
17 now?

18 Mr. Thone. Mr. Miller suggested that he was going to
19 call somebody from this staff here and talk about this thing.

20 Mr. Phillips. Yes.

21 Mr. Thone. Would it have been a Mr. Akers, Mr. Brooten,
22 Mr. --

23 Mr. Sprague. Could we get responses, Mr. Thone, instead
24 of just shaking his head?

25 Mr. Thone. Yes, if you would.

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1 Mr. Phillips. I don't recognize any of those as the names.

2 Mr. Thone. Caroline Hansen?

3 Mr. Phillips. No, sir.

4 Mr. Thone. Jacqueline Hess?

5 Mr. Phillips. No, sir.

6 Mr. Thone. Joe Kiehl?

7 Mr. Phillips. No, sir.

8 Mr. Thone. Billie Gay Larson?

9 Mr. Phillips. No, sir.

10 Mr. Thone. Vivian McFerfererson?

11 Mr. Phillips. No, sir.

12 Mr. Thone. Patricia Orr?

13 Mr. Phillips. No, sir.

14 Sir, I don't believe he gave me a name. I think he
15 told me he was contacting, he was going to try to contact
16 someone on Mr. Sprague's staff. He didn't say --

17 Mr. Thone. I thought you almost had the name on the
18 tip of your tongue.

19 Mr. Phillips. What I was thinking was, I have been talking
20 for the first time with someone on the staff, with Mr. Feeney.

21 Mr. Thone. I remember that, but I think you also
22 indicated that you knew the other name that he had in mind.

23 Mr. Phillips. Sir, I don't, and I don't believe he
24 mentioned the name, and I think he said I am trying to contact
25 someone on the staff. I don't believe he mentioned it.

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1 Mr. Thone. You are sure about that.

2 Mr. Phillips. If he did, it was a name that meant nothing
3 to me, and I just let it pass.

4 Mr. Thone. Would it have been a man or a female?

5 Mr. Phillips. I don't recall that it was either, sir.
6 That is why I am beginning to be quite sure that he said I
7 am trying to contact Mr. Sprague's staff now, or something
8 like that.

9 Mr. Thone. Thank you.

10 Mr. Preyer. You mentioned the four members from the
11 Warren Commission came down to talk with you in Mexico after
12 the assassination.

13 Mr. Phillips. Yes, sir.

14 Mr. Preyer. Did they talk with anyone else of the
15 station down there.

16 Mr. Phillips. Yes, sir, they came and of course were
17 received by Mr. Scott and those people, and they had most
18 of the talking, but then there was fanning out, and someone
19 would go to -- one of the persons would talk to someone and
20 someone to someone else, yes, sir, they did talk to sort of
21 a cross section of people asking their questions.

22 Mr. Preyer. And you don't recall whether you told them
23 about the intercept or not?

24 Mr. Phillips. No, sir, I don't. At that time I was
25 convinced, and up until today, it never occurred to me that this

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1 information was not passed on. I can't figure out why it
2 shouldn't be.

3 Mr. Preyer. Did you say anything to them about only
4 learning of Oswald's activities in Mexico after the assassi-
5 nation?

6 Mr. Phillips. In the sense of from my own operations, yes.

7 Mr. Preyer. The newspaper article here implies the CIA
8 withheld the knowledge from the Warren Commission that it,
9 the CIA, had any knowledge about Oswald until after the fact
10 of the assassination.

11 Did you say anything to the Warren Commission people
12 along that line, in short, denying the intercept?

13 Mr. Phillips. No, sir, because I know that we told
14 other people in the embassy before the assassination, asking
15 what I now see is the simple business, that we just know that
16 a man named Lee Oswald, but my recollection is after the
17 assassination, when I was talking with Clark Anderson, the
18 FBI Chief, and later, when we went to the Dominican Republic
19 and served together for over a year, and saw each other and
20 some rather interesting times, never was there anything from
21 Clark Anderson to me of gee, now that the Warren Commission
22 is -- now that this is all over, you have never told us the
23 important thing. I never had any -- I saw him only a few
24 weeks ago, so this whole concept that this information was
25 withheld in anything other than omission is a little bit more

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1 than I can handle. I certainly can't explain it.

2 Mr. Preyer. Let me yield to Mr. Brooten now.

3 Mr. Sprague, you mentioned that you might want to ask
4 him about these documents that he brought with him.

5 Mr. Sprague. I was going to wait until the end of the
6 questioning.

7 Mr. Brooten. Mr. Phillips, if you don't understand any
8 question I ask, just tell me you don't understand it and I
9 will rephrase it, because we don't want any mistakes about
10 it.

11 With respect to your, or prior to your taking over the
12 Cuban desk of the CIA station in Mexico, what prior official
13 involvement had you had with Cuba as an agent or a contractor
14 for the Central Intelligence Agency?

15 Mr. Phillips. I served in Cuba in 1955 and '56 under
16 deep cover. That is, I pretended to be in business there. I
17 left Cuba and returned and served there from the middle of
18 1958 through '59 to '60, until I left in rather a hurry.
19 After Mexico I went to the Dominican Republic, and when I
20 went to the Dominican Republic, I became the Chief of Cuban
21 Operations in Washington.

22 Mr. Brooten. Now, prior to Mexico you had been in Cuba.
23 Where had you been, specifically, in Cuba?

24 Mr. Phillips. In Havana in both locations.

25 Mr. Brooten. And what specifically were your duties?

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1 Mr. Phillips. I was on the outside, and I was involved
2 in what was, until I became -- until I went inside to the
3 official cover, as a propaganda specialist.

4 Mr. Brooten. Now, you testified, I believe, that you
5 had certain wire intercepts to the Cuban consulate and
6 Cuban embassy, is that correct?

7 Mr. Phillips. Wire intercepts.

8 Mr. Brooten. Wire, telephone intercepts.

9 Mr. Phillips. Yes. We are speaking in Mexico City.

10 Mr. Brooten. Yes.

11 Did they monitor both incoming and outgoing telephone
12 calls?

13 Mr. Phillips. Yes, sir.

14 Mr. Brooten. Did the Soviet wiretaps monitor both
15 incoming and outgoing telephone calls?

16 Mr. Phillips. Yes, they did.

17 Mr. Brooten. With respect to this specific transcript,
18 would there not have been two transcripts, then, one a call
19 going out of the Cuban embassy, and one, a call coming into
20 the Soviet embassy?

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1 Mr. Phillips. As I recall, there was one transcript, an
2 incoming telephone call, and then on the same sheet of paper,
3 outgoing telephone calls. I don't recall that there were
4 two, one for outgoing and one for incoming.

5 Mr. Brooten. Well, if you had a tap on all incoming
6 calls and all outgoing calls for both places, why didn't
7 you have two transcripts?

8 Mr. Phillips. Because it was on a single line. You
9 don't tap inside the Embassy; you tap outside the Embassy,
10 and so you are literally on the line, and you've got what's
11 coming both ways.

12 Mr. Brooten. But if a call went out of the Cuban Embassy
13 to Point A, you would have that call intercepted, would you
14 not?

15 Mr. Phillips. Yes.

16 Mr. Brooten. And if the call came into the Cuban Embassy
17 from anywhere else, you would have that call intercepted,
18 would you not?

19 Mr. Phillips. Yes, sir, if it was one of those phones
20 that was tapped.

21 Mr. Brooten. All right.

22 Now, here you have a situation in which you have a call
23 being placed from one tapped phone to another tapped phone,
24 and my question is why --

25 Mr. Phillips. In that case there would be two intercepts

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1 if it went to another telephone.

2 Mr. Brooten. And there should be transcripts of the
3 two intercepts?

4 Mr. Phillips. Yes.

5 Mr. Brooten. And if there were two intercepts, and your
6 responsibility was for the Cuban intercept, why then did you
7 not receive and have primary responsibility for that?

8 Mr. Phillips. Because it was translated from the
9 Russian, thus putting it into the Soviet area.

10 Mr. Brooten. All right, sir.

11 You stated that one of your duties was to know or you
12 had a priority, and you testified in response to Mr. Sprague's
13 question that you wanted to know who the intelligence agents
14 were, the diplomats and then went on down to the consulars,
15 you set up a protocol for that, is that right?

16 Mr. Phillips. Yes.

17 Mr. Brooten. All right.

18 As part of your duties, was it part of your responsibility
19 to know who the Cuban intelligence agents were?

20 Mr. Phillips. Yes.

21 Mr. Brooten. And with respect to Mr. [03], was it his
22 responsibility to know who the Soviet intelligence agents were?

23 Mr. Phillips. Yes.

24 Mr. Brooten. And did you know who the Cuban intelligence
25 agents were?

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1 Mr. Phillips. Yes. I think our score was probably
2 90 percent.

3 Mr. Brooten. All right, sir.

4 In addition to the wiretaps going both in and out of
5 the Cuban Embassy, in addition to the photographic surveillance
6 that you related, how many cameras were there surveilling the
7 Cuban Embassy and the Cuban Consulate offices?

8 Mr. Phillips. I never visited this outside installation,
9 but I recall that there were at least two going at the same
10 time on some occasions, the Consulate and the Chancery, the
11 main building, and I believe at one time there might have been
12 as many as three, but I'm not positive about that.

13 Mr. Brooten. All right.

14 Mr. Phillips. But ideally at least the two, the two
15 places to cover the two entrances.

16 Mr. Brooten. On September the 27th and 28th, 1963, do
17 you have any personal knowledge of how many cameras were
18 surveilling the Cuban Embassy and Consulate in Mexico City?

19 Mr. Phillips. I know that one was not surveilling the
20 Cuban Consulate, and to the best of my recollection one was
21 still working -- no, Saturday -- no, to the best of my
22 recollection, one was working that day on the Chancery, but
23 I'm not positive.

24 Mr. Brooten. All right.

25 Mr. Phillips. I'm not positive perhaps because the other

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1 camera had been pulled out -- I don't know.

2 Mr. Brooten. Now, do you know, of your own personal
3 knowledge, that the camera was not working, or did you arrive
4 at the conclusion that the camera was not working because you
5 did not find pictures for that day?

6 Mr. Phillips. We arrived at that because when we said
7 where are the pictures, there was a -- there was some -- there
8 was a technician who was responsible for things like that, and
9 said why wasn't it working; well, it was malfunctioning, I
10 had to pull it out or something like that. He said it was
11 routine and we accepted that.

12 Mr. Brooten. Now, you stated that [03] was in
13 charge of the intercepts.

14 Mr. Phillips. As I recall, he was the "outside man" who
15 was in charge, yes.

16 Mr. Brooten. How long had [03] worked for the
17 Central Intelligence Agency, sir?

18 Mr. Phillips. Not too long, because he had retired from
19 the FBI in Mexico, so three or four years.

20 Mr. Brooten. Do you know where [03] is now?

21 Mr. Phillips. The last I heard, he was in Mexico.

22 Mr. Brooten. Did you also testify that it was [03
23] decision to transcribe or not transcribe intercepts?

24 Mr. Phillips. If I am correct in assuming that [03
25] kind of sat in there during a good part of the day,

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15

1 certainly he is the one they would go to.

2 Not knowing the operation, it's possible he left it in
3 charge of one of the Mexican nationals and they decided. But
4 if there was one of any real importance, certainly it would
5 be [03] and they would await his decision.

6 Mr. Brooten. All right, sir.

7 Now, in addition to the telephone interceptions and in
8 addition to the photographing surveillance, did you have any
9 other types of surveillance inside, any operatives inside the
10 Cuban Embassy in September of 1963?

11 (Pause.)

12 Mr. Phillips. Yes, we had [24]

13 Mr. Brooten. What areas did they work?

14 Mr. Phillips. [24] in the administrative area and [24] in
15 the [24].

16 Mr. Brooten. All right.

17 To whom did they report?

18 Mr. Phillips. To Bob Shaw. Either directly or indirectly

19 Mr. Brooten. And Mr. Shaw worked for you?

20 Mr. Phillips. Yes.

21 Mr. Brooten. Can you identify those people?

22 Mr. Phillips. Counsellor, may I ask if -- it's the hardest
23 thing in the world to ask an ex-intelligence officer is to
24 identify people who really, in the Mexican climate, might have
25 a terribly difficult time if their identities were known. Do

1 you feel, gentlemen, that --

2 Mr. Sprague. Are they still on duty in this assignment?

3 Mr. Phillips. I don't know, sir.

4 Mr. Sprague. Well, I am willing, at the moment, to pass
5 that question up, and if we need it we can get back to that.

6 Mr. Preyer. I think that would be the wise way to
7 handle it, since Mr. Phillips would remain under subpoena.

8 Mr. Phillips. Thank you.

9 Mr. Brooten. Now, Mr. Phillips, you stated you had
10 conversations with Mr. Waller, the Inspector General of the
11 Central Intelligence Agency, yesterday, November the 26th,
12 1976?

13 Mr. Phillips. Yes.

14 Mr. Brooten. Did you record those telephone conversations?

15 Mr. Phillips. I did not, sir.

16 Mr. Brooten. Do you know whether Mr. Waller or anyone
17 at the Central Intelligence Agency recorded those telephone
18 conversations?

19 Mr. Phillips. I do not, sir.

20 Mr. Brooten. Now, you also stated that he said that
21 Mr. Miller, Lyle Miller, the Legislative Counsel, cautioned
22 you about technical violations of your security agreement, is
23 that correct?

24 Mr. Phillips. No, sir, that is not completely accurate.
25 He advised me that I was right, except from the technical

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1 standpoint, I believe that is the way he said it.

2 Mr. Brooten. Do you know what the sanctions are for
3 violation of that security agreement?

4 Mr. Phillips. As I understand it, there are no enforceable
5 laws.

6 Mr. Brooten. Now, with respect to [03] and
7 [03], you stated that she had a previous background
8 in Soviet work.

9 Do you know what her prior posts were?

10 Mr. Phillips. No, I do not.

11 Mr. Brooten. Do you know what Mr. [03] prior posts
12 were?

13 Mr. Phillips. I don't recall. [03] worked for
14 me again -- worked for me when I became [27] in
15 [16-17] at a later date, but that was subsequently.

16 Mr. Brooten. Do they have a background in Soviet
17 intelligence?

18 Mr. Phillips. Yes, they did.

19 Mr. Brooten. Did [03] ever tell you that she had
20 any contact, either directly or indirectly with Marina
21 Prusakova, the wife of Lee Harvey Oswald, while they were in
22 the Soviet Union?

23 Mr. Phillips. No, she did not.

24 Mr. Brooten. Did [03] ever tell you that?

25 Mr. Phillips. No, he did not.

18

1 Mr. Brooten. Do you know whether either [03,
2 03] had any contact, either directly or indirectly, with
3 either Lee Harvey Oswald or his Russian wife prior to their
4 entry to the United States?

5 Mr. Phillips. No, I do not.

6 Mr. Brooten. You stated that Robert Shaw worked for you --

7 Mr. Phillips. Yes.

8 Mr. Brooten. -- at that time.

9 That Joseph Picolo worked for you and he was replaced
10 by [03]

11 Do you know the whereabouts today of Robert Shaw?

12 Mr. Phillips. He was in the Washington area the last I
13 heard.

14 Mr. Brooten. Is he still with the Central Intelligence
15 Agency?

16 Mr. Phillips. Yes.

17 Mr. Brooten. Do you know the whereabouts of [03
18]

19 Mr. Phillips. He is in Washington at the Washington
20 headquarters.

21 Mr. Brooten. Do you know the whereabouts of Joseph
22 Picolo?

23 Mr. Phillips. I do not.

24 Mr. Brooten. Do you know the whereabouts of [03]

25 Mr. Phillips. He has retired from the CIA and lives in

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1 the Washington area.

2 Mr. Brooten. Do you know the whereabouts of Allen White?

3 Mr. Phillips. He is retired from the CIA and lives in the
4 Washington area.

5 Mr. Brooten. Do you know the whereabouts of [03,
6 03]

7 Mr. Phillips. No.

8 Mr. Brooten. Do you know whether or not they are still
9 in the Central Intelligence Agency?

10 Mr. Phillips. I believe that they still are. I heard
11 that he was talking about retirement, but I believe that they
12 still are.

13 Mr. Brooten. Do you know the whereabouts of Ann Goodpasture?

14 Mr. Phillips. Yes. She is retired and living in Dallas,
15 Texas.

16 Mr. Brooten. Now, you stated that the information was
17 circulated to the local FBI agent.

18 Who was that person?

19 Mr. Phillips. Mr. Clark Anderson.

20 Mr. Brooten. Was Mr. Clark Anderson a Legal Attaché at
21 the American Embassy at that time?

22 Mr. Phillips. He was.

23 Mr. Brooten. You stated he worked with you in the Dominica
24 Republic in 1965, is that correct?

25 Mr. Phillips. Yes.

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1 Mr. Brooten. And that he did not mention to you that you
2 had withheld any information from him?

3 Mr. Phillips. No. Of course, if it had been successful,
4 he wouldn't have known that it would have been withheld.

5 Mr. Brooten. That's my point.

6 Mr. Phillips. Also, it's inconceivable to me that we
7 didn't talk about Oswald, but it's possible.

8 Mr. Brooten. Do you know his whereabouts today?

9 Mr. Phillips. Yes. He is retired in San Antonio, Texas.

10 Mr. Brooten. And when did you last see him?

11 Mr. Phillips. Oh, two and a half months ago, two months
12 ago.

13 Mr. Brooten. Mr. Chairman, I have no further questions
14 at this time.

15 Mr. Preyer. All right, Mr. Brooten.

16 Mr. Sprague.

17 Mr. Sprague. Mr. Phillips, you mentioned that you had a
18 document with you, and I think the question has to be asked
19 since we only learned last night that apparently you were
20 working on a book, a question obviously arises when people are
21 working on books, whether they are attempting to do something
22 to get themselves in the public limelight to aid in the
23 sale of that book. So there are a couple of questions I would
24 like to ask you if I may.

25 Mr. Thone. I think it's most appropriate.

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1 Mr. Preyer. Sure.

2 Mr. Sprague. You have the transcript of that portion of
3 the book with you that refers to the area we have been talking
4 about.

5 Mr. Phillips. Yes, sir.

6 Mr. Sprague. Would you be willing to turn that over to
7 us so that we can examine it? We will not at this time delay
8 this hearing. If we decide to put it in the record, we will
9 put it in the record and we will get it back to you.

10 Is that all right with you?

11 Mr. Phillips. Yes, sir.

12 In addition, I have the deletions as requested by the
13 CIA when the book was cleared.

14 Mr. Sprague. Now, that is the question I wanted to
15 start asking.

16 Now, this book that you are talking about, can you
17 just describe in general what it encompasses?

18 Mr. Phillips. Well, it is a chronological and geographical
19 story of 25 years of my intelligence career.

20 Mr. Sprague. And when did you commence writing this
21 book?

22 Mr. Phillips. In June of 1975.

23 Mr. Sprague. Have you ever written any books previous
24 to that?

25 Mr. Phillips. I haven't written any books, though I

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1 have written a number of plays, stories.

2 Mr. Sprague. Is this book now completed?

3 Mr. Phillips. It has been completed for some time,
4 sir.

5 Mr. Sprague. And do you have a publisher for it?

6 Mr. Phillips. Yes, sir. It is being actually printed now.

7 Mr. Sprague. When did you submit this to the CIA for
8 apparently clearance?

9 Mr. Phillips. I submitted some of the chapters very
10 early. I wanted to send two chapters and an outline to
11 New York so that the publishers could decide whether they
12 wanted the book. So there is a total of ten chapters, and
13 I sent two, and then three, and then it was finally only
14 cleared about three months ago.

15 Mr. Sprague. When was it that you commenced your inter-
16 views with Mr. Kessler of the Washington Post?

17 Mr. Phillips. About a month ago.

18 Mr. Sprague. What initiated those contacts that gave
19 rise to the story?

20 Mr. Phillips. He called me.

21 Mr. Sprague. Do you know how that came about at all?

22 Mr. Phillips. I don't know. I can surmise that perhaps
23 he saw me on a television show or was aware -- I give
24 lectures around the country frequently, and there is often
25 newspaper publicity. Some of that may have reached him.

1 But I can only surmise.

2 Mr. Sprague. With regard to the book, when you commenced
3 this book, was it part of your arrangements to get CIA
4 clearance on the book?

5 Mr. Phillips. Well, I didn't say anything to them and
6 it never occurred to me that I wouldn't. I planned to do
7 it.

8 Mr. Sprague. We will look at those chapters.

9 I take it that the CIA, going through your book, asked
10 you to excise certain parts of it.

11 Mr. Phillips. Yes, sir.

12 Mr. Sprague. Which you then did, and you have for us
13 those things that they have requested you to excise.

14 Mr. Phillips. That is correct, sir.

15 Mr. Sprague. You know, the question does arise as to
16 whether or not it is some advantage to you to be getting the
17 kind of publicity that emanates by this kind of story appearing
18 in the Post and media out there.

19 Now, could you give me some comments about the sort of
20 change in terms of the comments to the media and what you
21 say here. Has this thing somewhat for your part been thought
22 of for purposes of the advantage to you?

23 Mr. Phillips. I was formerly an actor before I was a
24 playwright, and there is no question that I have some sense
25 of publicity. Having sold this book, I obviously want it to

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1 be successful, one reason being that I have five more kids
2 to send through college. So there is no question that I am
3 looking for an opportunity to get publicity, which will help
4 with the book.

5 There is absolutely no question, at the same time, that
6 I wish that this publicity would not be a part of it. The
7 inference that can be drawn by some readers that I might
8 have played a role in a coverup of the murder of one of my
9 Presidents disturbs me a great deal, and my children. So I
10 assure you that this publicity was spontaneous and unwelcome.

11 Mr. Sprague. I assume we are about to adjourn shortly.
12 You understand that testimony in executive session is not to
13 be discussed anywhere.

14 Mr. Phillips. I do understand, sir.

15 Mr. Sprague. There can be no direction to you not to
16 discuss whatever you want to, however, with others, the
17 news media, with friends and others, but I would like to make
18 the request -- it is not official from the Committee -- that
19 while we are investigating this matter, and hopefully at some
20 point promptly we can have an appropriate public hearing, I
21 request you not to discuss anything with anybody.

22 I also request, Mr. Chairman, that this witness remain
23 under subpoena until further call of the Subcommittee.

24 Mr. Preyer. Yes, Mr. Sprague, the Chairman agrees with
25 your request of the Witness, and will repeat that as coming

1 from the Committee, and I take it that Mr. Thone agrees with
2 me on this, that matters discussed in Executive Session should
3 not be discussed.

4 And you will consider yourself as remaining under the
5 subpoena until further notice.

6 Is there anything further that we need?

7 I want to thank you, Mr. Phillips, and I thank all of you
8 members of the staff, working well beyond their lunch hour
9 on a Saturday, which I hope the record would duly note.

10 The Committee stands adjourned.

11 (Whereupon, at 1:52 o'clock p.m., the Subcommittee
12 recessed subject to the call of the Chair.)
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